Executive Summary – Enforcement Matter – Case No. 55381
voestalpine Texas LLC
RN106597875
Docket No. 2018-1266-MLM-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
MLM - AIR, WQ
Small Business:
No
Location(s) Where Violation(s) Occurred:
La Quinta Plant, 2800 Kay Bailey Hutchison Road, Portland, San Patricio County
Type of Operation:
Direct reduced iron/hot briquetting iron production plant
Other Significant Matters:
Additional Pending Enforcement Actions: Yes, Docket No. 2019-1114-AIR-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: The complainants and commenter have expressed an interest in this matter but have not indicated a wish to speak at Agenda.
Texas Register Publication Date: April 3, 2020
Comments Received: Yes, one comment was received from the Honorable Cathy Skurow, Mayor of the City of Portland

Penalty Information

Total Penalty Assessed: $658,926
Amount Deferred for Expedited Settlement: $131,785
Total Paid to General Revenue: $263,571
Total Due to General Revenue: $0
Payment Plan: N/A
Supplemental Environmental Project ("SEP") Conditional Offset: $131,785
Name of SEP: Texas A&M University – Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)
Supplemental Environmental Project ("SEP") Conditional Offset: $131,785
Name of SEP: Texas Natural Gas Foundation (Third-Party Pre-Approved)
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): May 16, 2017 to August 13, 2018
Complaint Information: Over 150 complaints
Date(s) of Investigation: May 16, 2017 through October 16, 2017; November 14, 2017 through January 22, 2018; November 24, 2017 through April 17, 2018; and November 1, 2017 through June 14, 2018
Date(s) of NOE(s): November 3, 2017; February 22, 2018; May 9, 2018; and July 30, 2018

Violation Information

1. Failed to prevent nuisance conditions. Specifically, on May 16, 2017, May 17, 2017, May 18, 2017, May 19, 2017, May 20, 2017, May 23, 2017, May 24, 2017, May 25, 2017, May 26, 2017, May 30, 2017, June 2, 2017, June 5, 2017, June 8, 2017, June 13, 2017, June 15, 2017, June 23, 2017, June 30, 2017, July 13, 2017, July 19, 2017, September 8, 2017, and October 16, 2017, TCEQ staff documented iron ore dust at 141 off-site properties. Laboratory analysis of tape-lift samples that were collected from 20 of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

2. Failed to store iron ore pellets in enclosed storage. Specifically, TCEQ staff observed five non-enclosed storage piles containing iron ore pellets [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to obtain a permit amendment prior to constructing and operating additional sources of air contaminants. Specifically, the Respondent did not obtain a permit amendment before operating additional non-enclosed stockpiles containing fines, clusters, chips, sludge, and remet [30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a)].

4. Failed to prevent nuisance conditions. Specifically, TCEQ staff documented iron ore dust nuisance conditions at three off-site properties on November 15, 2017 and December 1, 2017 and obtained citizen-collected evidence from one of the properties that documented additional dust nuisance conditions on November 9, 2017, November 16, 2017, and December 19, 2017. Laboratory analysis of tape-lift samples that were collected from two of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

5. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during stack testing conducted on March 8 and 9, 2017, the Respondent exceeded the particulate matter ("PM") MAER of 4.20 pounds per hour ("lbs/hr") by 13.42 lbs/hr for the Reformer Main Flue Ejector Stack, Emissions Point Number ("EPN") 29, resulting in 139,782.72 lbs of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, General Conditions ("GC") Nos. 1, 8, and 14 and SC No. 1, Federal Operating Permit ("FOP") No. O3903, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to comply with the MAER. Specifically, during a stack test conducted on March 15, 2017, the Respondent exceeded the carbon monoxide MAER of 873.00 lbs/hr by 17.58 lbs/hr for the Furnace Dedusting Wet Scrubber Stack, EPN 8, resulting in 180,159.8 lbs of unauthorized carbon monoxide [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to conduct employee training at least once per year. Specifically, operations at the Plant began in September of 2016 but employees had not received training on the stormwater pollution prevention plan [30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 122.26(c), and Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05CR67, Part III, Section A.4(f)(1)].

8. Failed to certify that the Plant's stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur. Specifically, the stormwater pollution prevention plan certification was not available for review upon request [30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(c)].

9. Failed to identify all stormwater outfalls at the Plant. Specifically, the Respondent depicted one stormwater outfall on the Drainage Area Site Map, but additional outfalls were identified around the dock area and on the north side of the Plant [30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.3(d)(1)].

10. Failed to conduct benchmark monitoring once every six months (January through June or July through December) following permit issuance and then once each subsequent semiannual period. Specifically, TPDES MSGP No. TXR05CR67 was issued on April 27, 2016, the Plant began operating in September 2016, and the Respondent had not conducted any benchmark monitoring [30 TEX. ADMIN. CODE §§ 281.25(a)(4)

and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a)].

11. Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.22 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through October 2017 for the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack, EPN 6, resulting in 0.241 ton of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.22 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2017 for the Oxide Tower Transfer Fabric Filter Stack, EPN 7D, resulting in 0.0022 ton of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to comply with the MAERs. Specially, the Respondent exceeded the PM, particulate matter equal to or less than 10 microns in diameter ("PM10"), and the particulate matter equal to or less than 2.5 microns in diameter (“PM2.5”) MAERs of 18.39 tpy based on a 12-month rolling period for the 12-month periods ending from March 2017 through November 2017 for the Reformer Main Flue Ejector Stack, EPN 29, resulting in 55.68 tons of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14. Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM MAER of 11.44 tpy based on a 12-month rolling period and the PM10 and PM2.5 MAERs of 0.34 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through November 2017 for the Salt Water Cooling Tower, EPN 33, resulting in 4.42 tons of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15. Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly visible emissions observations for 13 EPNs from the second quarter of 2016 through the third quarter of 2017 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16. Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources for the second, third, and fourth quarters of

2016 and the first quarter of 2017 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17. Failed to maintain records for the quarterly inspections. Specifically, the Respondent did not maintain records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems in the third and fourth quarters of 2016 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 42D, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18. Failed to sample the cooling water for the concentration of total dissolved solids ("TDS") once a week. Specifically, the Respondent did not sample the cooling water TDS concentrations for the Salt Water Cooling Tower, EPN 33, for 11 weeks from September 26, 2016 through December 11, 2016 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19. Failed to sample the cooling water once a day for conductivity or monitor the cooling water continuously for conductivity. Specifically, the Respondent did not sample and analyze the cooling water conductivity for the Salt Water Cooling Tower, EPN 33, on 34 days: October 1, 2016, October 5 through 10, 2016, October 12 through 24, 2016, October 26 through 31, 2016, November 6, 2016, November 13, 2016, November 20, 2016, November 27, 2016, December 4, 2016, December 11, 2016, December 18, 2016, and December 25, 2016 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20. Failed to conduct daily visible emissions observations for the wet scrubbers. Specifically, the Respondent did not conduct daily visible emissions observations for the Furnace Dedusting (BSG Dust Collection) Wet Scrubber Stack, EPN 8, and the Hot Pressure Relief Vent (Flare), EPN 38, on 284 days and did not to conduct daily visible emissions observations for the Briquetter Dedusting Scrubber Stack, EPN 9, and the Hot Iron Briquette Cooling Conveyer Scrubber Stack, EPN 11, on 286 days during the time period from September 28, 2016 to December 6, 2017 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 30, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21. Failed to comply with the certified emissions rate. Specifically, the Respondent exceeded the certified PM2.5 emissions rate of 0.01 tpy based on any consecutive 12-month period for the 12-month periods ending from October 2017 through November 2017 for the 75,000 metric tons Grade C Hot Briquette Iron, EPN 44, resulting in 0.01 ton of unauthorized PM2.5 [30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, Permit by Rule Registration No. 147082, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

22. Failed to prevent fugitive emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state. Specifically, on November 1, 2017, iron oxide dust was observed on the Plant's grounds and in the adjacent marsh area owned by the Port of Corpus Christi Authority, directly north of the Plant's loading dock [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. On December 18, 2016, began sampling the cooling water for the concentration of TDS once a week;

b. On December 26, 2016, began sampling the cooling water for the conductivity once a day;

c. On May 25, 2017, began conducting quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources;

d. By May 31, 2017, began maintaining records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems;

e. By June 30, 2017, implemented measures and procedures in order to ensure that the baghouses for EPNs 6 and 7D were operating properly during normal operations;

f. On July 6, 2017, obtained Permit by Rule Registration No. 147082 to authorize the storage piles at the Plant;

g. By November 11, 2017, evaluated the stormwater system and certified that discharges of non-stormwater and non-permitted flows do not occur;

h. By November 17, 2017, provided employees with stormwater pollution prevention training;

i. On November 20, 2017, depicted the location of each outfall on the Drainage Area Site Map;

j. By November 30, 2017, demonstrated compliance with the PM annual MAER for EPN 6;

k. On December 7, 2017, began conducting daily visible emissions observations of EPNs 8, 9, 11, and 38;

l. On December 7, 2017, began conducting semiannual benchmark monitoring as required by TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a);

m. By December 31, 2017, demonstrated compliance with the PM annual MAER for EPN 7D;

n. By February 28, 2018, implemented measures in order to decrease the level of throughput at EPN 44;

o. By March 31, 2018, began conducting quarterly visible emissions observations of EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 16, 17, and 29;

p. By November 30, 2018, demonstrated compliance with the certified PM2.5 emissions rate for EPN 44;

q. On January 22, 2019, obtained a revision for Permit by Rule Registration No. 147082 to certify the revised emissions and to represent that the fugitive dust emissions from the storage piles are controlled by a water spray and/or dust suppressant spray;

r. On May 30, 2019, submitted an amendment application for NSR Permit Nos. 108113 and PSDTX1344M that includes:

i. The incorporation of Permit By Rule No. 147082;

ii. The increase of the carbon monoxide hourly MAER for EPN 8;

iii. The increase of the PM, PM10, and PM2.5 MAERs for EPN 29;

iv. The amendment of the PM, PM10, and PM2.5 MAERs for EPN 33.

s. By June 1, 2019, removed the five non-enclosed storage piles containing iron ore pellets and has ensured that all iron ore pellets are stored in enclosed storage in order to comply with NSR Permit Nos 108113 and PSDTX1344M1; and

t. On January 21, 2020, obtained approval for the plan (the "Plan") dated November 11, 2019 that identified measures taken to date, proposed upgrades and changes to equipment and work practices, incorporated best management practices, and provided schedules and plans for implementation in order to address visible iron oxide and/or metallic iron fugitive emissions from process buildings or fugitive sources from leaving

the Plant, iron oxide and/or metallic iron dust from creating nuisance conditions. The following projects have been implemented:

i. By October 31, 2016, installed and commissioned baghouses for the conveyors and transfer points involving the movement of iron ore pellets as indicated in Part II, Section 4.1 of the Plan;

ii. By May 31, 2017, began using Dust Bosses to control dust in areas where material is transferred to or from stockpiles as indicated in Part II, Sections 1.2 and 5.4 of the Plan, began using two water trucks to control dust emissions from the in-plant roads and work areas twice per shift as indicated in Part II, Sections 1.3 and 6.2 of the Plan, and began using two street sweepers to control dust emissions from the paved in-plant roads on a daily basis as indicated in Part II, Sections 1.4 and 6.3 of the Plan;

iii. By June 30, 2017, began using polymer/surfactant to control the dust emissions from the by-products stockpiles as indicated in Part II, Section 1.1 of the Plan and installed windbreaks at material transfer areas to control fugitive dust emissions as indicated in Part II, Section 4.2 of the Plan;

iv. By November 30, 2017, began Phase I for paving and curbing the in-plant roads and work areas to reduce dust emissions as indicated in Part II, Section 6.1 of the Plan;

v. By December 31, 2018, awarded the By-Products Management Improvements Project as indicated in Part II, Section 4.5 of the Plan;

vi. By April 30, 2019, began Phase II for paving and curbing the in-plant roads and work areas to reduce dust emissions as indicated in Part II, Section 6.1 of the Plan;

vii. By May 31, 2019, completed Phase I for paving and curbing the in-plant roads and work areas as indicated in Part II, Section 6.1 of the Plan;

viii. By September 30, 2019, retained an expert to conduct an assessment of possible additional measures for potential site-wide emission points as indicated in Part II, Section 7 of the Plan and began conducting weekly visible emissions observations of the process building openings and vents to reduce fugitive dust emissions as indicated in Part II, Section 3 of the Plan;

ix. By October 31, 2019, implemented weekly documentation and checklists for the Polymer/Surfactant Project as indicated in Part II, Section 1.1 of the Plan, for the Dust Bosses Project as indicated in Part II, Sections 1.2 and 5.4 of the Plan, for the Water Trucks Project as indicated in Part II, Sections 1.3 and 6.2 of the Plan, for the Street Sweepers Project as indicated in Part II, Sections 1.4 and 6.3 of the Plan, for the Conveyors Project as indicated in Part II, Section 2 of the Plan, for the Building

Openings and Vents Project as indicated in Part II, Section 3 of the Plan, for the Transfer Points Project as indicated in Part II, Section 4 of the Plan, and for the Windbreaks Project as indicated in Part II, Sections 4.2 and 5.1 of the Plan;

x. By November 30, 2019, implemented standard operating procedures for the Polymer/Surfactant Project as indicated in Part II, Section 1.1 of the Plan, for the Dust Bosses Project as indicated in Part II, Sections 1.2 and 5.4 of the Plan, for the Water Trucks Project as indicated in Part II, Sections 1.3 and 6.2 of the Plan, for the Street Sweepers Project as indicated in Part II, Sections 1.4 and 6.3 of the Plan, and for the Baghouses Project as indicated in Part II, Section 4.1 of the Plan; began on-site activities for the By-Products Management Improvements Project as indicated in Part II, Section 4.5 of the Plan; and began the Conveyors Upgrade Project as indicated in Part II, Section 2 of the Plan;

xi. By December 31, 2019, completed the wind fence site-wide modeling as indicated in Part II, Sections 4.3 and 5.2 of the Plan, completed the Dry Fog Project I (Transfer Tower 24) as indicated in Part II, Sections 4.4.1 and 5.3 of the Plan, and completed the baghouse compressor upgrades as indicated in Part II, Section 4.1 of the Plan;

xii. By March 31, 2020, completed the expert assessment of the Plant as indicated in Part II, Section 7 of the Plan;

xiii. By April 30, 2020, completed the wind fence preliminary design as indicated in Part II, Sections 4.3 and 5.2 of the Plan and completed the conveyor upgrades as indicated in Part II, Section 2 of the Plan;

xiv. By October 31, 2020, completed Phase II for paving and curbing the in-plant roads and work areas as indicated in Part II, Section 6.1 of the Plan;

xv. By March 31, 2021, completed the Dry Fog Project II (Transfer Tower 23) as indicated in Part II, Sections 4.4.4 and 5.3 of the Plan and began installing the wind fence as indicated in Part II, Sections 4.3 and 5.2 of the Plan;

xvi. By October 31, 2021, completed the Dry Fog Project III (Transfer Tower 22) as indicated in Part II, Sections 4.4.3 and 5.3 of the Plan;

xvii. By October 31, 2021, completed construction and began testing the specific dust control components including the three baghouse dust collectors, covered conveyors, cladded transfer towers and storage building, wind screen around the hoppers, and wind fence around the perimeter that are involved in moving the iron oxide pellets and iron oxide fines associated with the By-Products Management Improvements Project, as indicated in Part II, Section 4.5 of the Plan;

xviii. By December 31, 2021, completed the Wind Fence Project as indicated in Part II, Sections 4.3 and 5.2 of the Plan;

xix. By March 31, 2022, completed the Dry Fog Project IV (Transfer 21), as indicated in Part II, Sections 4.4.2 and 5.3 of the Plan;

xx. By April 5, 2022, completed construction and began testing the specific dust control components including the one cyclone dust collector, covered conveyors, cladded transfer tower, and wind screen around the hoppers that are involved in moving remet and lump ore material associated with the By-Products Management Improvements Project, as indicated in Part II, Section 4.5 of the Plan; and

xxi. By April 5, 2022, began operating the specific dust control components including the three baghouse dust collectors, covered conveyors, cladded transfer towers and storage building, wind screen around the hoppers, and wind fence around the perimeter that are involved in moving the iron oxide pellets and iron oxide fines that are associated with the By-Products Management Improvements Project.

Technical Requirements:

1. The Order will require the Respondent to implement and complete two SEPs (see SEP Attachments A and B).

2. The Order will also require the Respondent to:

a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;

b. By May 31, 2022, begin operating the specific dust control components including the one cyclone dust collector, covered conveyors, cladded transfer tower, and wind screen around the hoppers that are involved in moving remet and lump ore material that are associated with the By-Products Management Improvements Project, as indicated in Part II, Section 4.5 of the Plan;

c. By June 15, 2022, submit written certification to demonstrate compliance with b;

d. By December 31, 2022, complete Dry Fog Project V (Reclaimer 01) as indicated in Part II, Section 4.4.5 of the Plan;

e. By January 15, 2023, submit written certification to demonstrate compliance with d; and

f. Within 360 days, submit written certification that either the amendment for NSR Permit Nos. 108113 and PSDTX1344M1 has been obtained or that the operation has ceased until such time that appropriate authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
SEP Third-Party Administrator: Texas PTA, 408 West 11th Street, Austin, Texas 78701
Texas Natural Gas Foundation, Attention: Heather Ball, Executive Director, 2315 Newfield Lane, Austin, Texas 78703
Respondent: Uwe Leopold, Chief Executive Officer, voestalpine Texas LLC, 2800 Kay Bailey Hutchison Road, Portland, Texas 78374
Michael Spitz, Chief Technical Officer, voestalpine Texas LLC, 2800 Kay Bailey Hutchison Road, Portland, Texas 78374
Respondent's Attorney: Michael A. Chernekoff, Partner, Jones Walker LLP, 811 Main Street, Suite 2900, Houston, Texas 77002

TCEQ Interoffice Memorandum

To: Commissioners

Thru: Susan M. Jablonski, P.E., Deputy Director, Enforcement Division

From: Michael De La Cruz, Manager, Enforcement Division

Date: January 10, 2022

Subject: Response to Comment Received Concerning Proposed Agreed Enforcement Order
voestalpine Texas LLC, Portland, San Patricio County
RN106597875; Enforcement Case No. 55381; Docket No. 2018-1266-MLM-E

In response to a publication in the *Texas Register* on April 3, 2020, one comment has been received regarding a proposed agreed enforcement order requiring certain actions of voestalpine Texas LLC. The comment was received within the comment period. Please note that this case has been backlogged and cites violations beginning in 2017. Efforts in earnest began in FY 2022 to proceed with bringing backlogged cases to Commissioners' Agenda for resolution. These efforts include proceeding with cases that have garnered public comments and involve multiple violations over protracted time periods.

The proposed agreed order includes 22 violations documented during investigations conducted from May 16, 2017 through October 16, 2017, November 14, 2017 through January 22, 2018, and November 1, 2017 through June 14, 2018 and a record review conducted from November 24, 2017 through April 17, 2018. The violations addressed in the proposed order include the following:

1) Failed to prevent nuisance conditions at 141 off-site properties, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b);

2) Failed to store iron ore pellets in enclosed storage, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), New Source Review Permit (NSR) Nos. 108113 and PSDTX1344M1, Special Conditions (SC) No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b);

3) Failed to obtain a permit amendment prior to constructing and operating additional sources of air contaminants, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a);

4) Failed to prevent nuisance conditions at three off-site properties, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b);

5) Failed to comply with the particulate matter (PM) hourly maximum allowable emissions rate (MAER) during a stack test conducted on March 8, 2017 and March 9, 2017 for the Reformer Main Flue Ejector Stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, General Conditions (GC) Nos. 1, 8, and 14 and SC No. 1, Federal Operating Permit (FOP) No. O3903, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b);

6) Failed to comply with the carbon monoxide hourly MAER during a stack test conducted on March 15, 2017 for the Furnace Dedusting Wet Scrubber Stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and

PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b);

7) Failed to conduct employee training at least once per year, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CODE OF FEDERAL REGULATIONS (CFR) § 122.26(c), and Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit (MSGP) No. TXR05CR67, Part III, Section A.4(f)(1);

8) Failed to certify that the stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(c);

9) Failed to identify all stormwater outfalls, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.3(d)(1);

10) Failed to conduct benchmark monitoring once every six months (January through June or July through December) following permit issuance and then once each subsequent semiannual period, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(a);

11) Failed to comply with the PM annual MAER for the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b);

12) Failed to comply with the PM annual MAER for the Oxide Tower Transfer Fabric Filter Stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b);

13) Failed to comply with the PM annual MAER for the Reformer Main Flue Ejector Stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b);

14) Failed to comply with the PM annual MAER for the Salt Water Cooling Tower, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b);

15) Failed to conduct quarterly visible emissions observations for 13 emission points, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b);

16) Failed to conduct quarterly visible emissions observations of the process buildings and/or fugitive sources, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b);

17) Failed to maintain records for the quarterly inspections, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 42.D, and TEX. HEALTH & SAFETY CODE § 382.085(b);

18) Failed to sample the cooling water for the concentrations of Total Dissolved Solids once a week, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25.A, and TEX. HEALTH & SAFETY CODE § 382.085(b);

19) Failed to sample the cooling water once a day for conductivity or monitor the cooling water continuously for conductivity, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25.A, and TEX. HEALTH & SAFETY CODE § 382.085(b);

20) Failed to conduct daily visible emissions observations for the wet scrubbers, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 30, and TEX. HEALTH & SAFETY CODE § 382.085(b);

21) Failed to comply with the certified particulate matter equal to or less than 2.5 microns in diameter emissions rate for the 75,000 metric tons Grade C Hot Briquette Iron, in violation of 30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, Permit by Rule Registration No. 147082, and TEX. HEALTH & SAFETY CODE § 382.085(b); and

22) Failed to prevent fugitive emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state, in violation of 30 TEX. WATER. CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b).

The proposed agreed order assesses a penalty in the amount of $658,926, of which $131,785 has been deferred in accordance with our expedited order process, voestalpine Texas LLC has paid $263,571 of the administrative penalty, and $263,570 of the penalty shall be conditionally offset by voestalpine Texas LLC's timely and satisfactory completion of a Supplemental Environmental Project. Some of the comments received are not limited to the provisions of the proposed order addressing the violations. No changes to the proposed agreed order were made in response to the comments. A summary of the comments and staff response to the comments are provided below:

- Comment – The welfare of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision are being adversely affected by the operations at voestalpine Texas LLC.

  Response - The TCEQ Corpus Christi Regional Office has received, and responded to, numerous complaints alleging nuisance dust. The proposed order addresses nuisance conditions documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. If the residents are impacted by the operations at voestalpine Texas LLC, the residents may file complaints with the TCEQ Corpus Christi Regional Office at any time now and in the future. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

- Comment – The safety of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision are being adversely affected by the operations at voestalpine Texas LLC.

  Response – The TCEQ takes its mission to protect public health and environment very seriously; therefore, the TCEQ will continue to take action under our authority to ensure voestalpine Texas LLC complies with TCEQ rules and regulations.

- Comment – The plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is flawed, primarily descriptive in nature, and does not establish legally enforceable obligations; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions contains various outreach programs for abating nuisance conditions that are unsatisfactory; the proposed agreed order did not incorporate enforceable requirements to arrest the nuisance conditions; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for minimizing emissions from the stockpiles, conveyors, and building openings and vents; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for controlling emissions; and the strategies to upgrade control measures at other potential site-wide emission points are possibilities and are without commitment.

  Response – The proposed order addresses fugitive emissions leaving the property that were documented during an investigation conducted from November 1, 2017 through June 14, 2018 and nuisance conditions that were documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. The implementation of the approved plan is enforceable. However, if the residents are impacted by the operations at voestalpine Texas LLC, the residents may file complaints with the TCEQ Corpus Christi Regional Office at any time now and in the future. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue. Since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 TEX. ADMIN. CODE § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with the TCEQ rules, regulations, and agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

- Comment – The proposed order should be further developed to allow for the development of measurable, quantifiable, and enforceable standards for the control of fugitive dust emissions and prevention of further violations.

  Response – The corrective measures that have been implemented by voestalpine Texas LLC and the corrective measures proposed in the plan appear to have addressed the alleged violations. If the residents are being adversely impacted by the operations at voestalpine Texas LLC, the residents may continue to file complaints with the TCEQ Corpus Christi Regional Office. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional

violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

- Comment – The residents located in the Northshore Country Club Estates and Bay Ridge Subdivision experienced health impacts, the operation of voestalpine Texas LLC interfered with the living conditions in the Northshore Country Club Estates and Bay Ridge Subdivision, and voestalpine Texas LLC adversely affected the residents' lives and properties as indicated in the fifty letters that were submitted in response to the public notice for the permit amendment application.

  Response – The proposed order addresses fugitive emissions leaving the property that were documented during an investigation conducted from November 1, 2017 through June 14, 2018 and nuisance conditions that were documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. The implementation of the approved plan is enforceable. However, if the residents are experiencing health impacts, interference with their living conditions, or adverse effects to their lives and properties by the operations at voestalpine Texas LLC, the residents may to file complaints with the TCEQ Corpus Christi Regional Office now and in the future. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

- Comment – The two separate pre-approved Supplement Environmental Projects do not directly engage with those adversely affected by restoring conditions in those communities.

  Response – voestalpine Texas LLC selected projects that will benefit the community in which the alleged violations occurred, in accordance with TEX. WATER CODE § 7.067(a), and the TCEQ supports the participation in Supplemental Environmental Projects. As mentioned above, since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 TEX. ADMIN. CODE § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with TCEQ rules, regulations, and the agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

A copy of received comments and TCEQ staff response to the comment are attached for your consideration. In summary, the commenter is concerned that the order does not adequately address the fugitive emissions from leaving the property and causing nuisance conditions. Staff's position, as reflected in the response, is that the plan for addressing fugitive emissions from leaving the property and causing nuisance conditions will allow voestalpine Texas LLC to come back into compliance. Accordingly, the Enforcement Division respectfully recommends adoption of this proposed order.

Attachments

cc: Kelly Ruble, Air Section Manager, Corpus Christi Regional Office, TCEQ
Yuliya Dunaway, Coordinator, Enforcement Division, MC R-13
Central Records, MC 213, Building E, 1st Floor
AIR CP_106597875_CP_20210110_Enforcement
Enforcement Division Electronic Reader File

the portland of possibilities.

May 4, 2020

Ms. Carol McGrath
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Via Facsimile (512-239-2550)
Via E-mail Carol.McGrath@tceq.texas.gov

Re: **Written Comments submitted by the City of Portland, Texas** in Docket No. 2018-1266-MLM-E; Enforcement Case No. 55381 relating to voestalpine Texas LLC ("voestalpine" or the "Company"), RN106597875

Dear Ms. McGrath:

Pursuant to Texas Water Code § 7.075 and public notice published in the *Texas Register*, 45 *Tex. Reg.* 2325 (Apr. 3, 2020), the City of Portland, Texas (the "City) hereby submits these written comments on the proposed agreed order in the above-referenced docket, which alleges numerous violations of the Texas Health and Safety Code and the Texas Administrative Code by voestalpine at its iron production plant (the "Plant") located at 2800 Kay Bailey Hutchison Road in San Patricio County, Texas.[1] Specifically, the proposed agreed order contains allegations that voestalpine failed to obtain permit authorization for the construction and operation of certain sources of air contaminants at the Plant; failed to store iron ore pellets in enclosed storage; and failed to prevent nuisance conditions, which the TCEQ investigated and confirmed by extensive sampling of 141 off-site properties during the period May-October, 2017. Although the Plant lies outside the City's jurisdiction, it is adjacent to two residential subdivisions located within the City, Northshore Country Club Estates and Bay Ridge Subdivision. A map showing the proximity of these subdivisions to the Plant is attached to this letter. Less than one mile from the Plant's boundary, these subdivisions have been adversely affected by voestalpine's operations at the Plant. Therefore, pursuant to its authority to protect the safety and welfare of its citizens, the City submits these written comments urging the TCEQ to remand this enforcement case to the Executive Director for a period not to exceed 90 days to allow for the development of measurable, quantifiable, and enforceable standards applicable to the Plant's operation and their incorporation into the proposed agreed order. As currently drafted, the proposed agreed order relies on compliance with voestalpine Texas LLC Submission Plan for TCEQ dated November 11, 2019 (the "Plan"), for abatement of nuisance conditions; however, the Plan is flawed because it lacks legally enforceable or otherwise adequate standards for this purpose, and thus, the proposed agreed

[1] Although the proposed agreed order recites in Section I.1. that the Plant is located in the City, this detail refers to its mailing address only. The Plant is not physically located either within the City's corporate limits or its extra-territorial jurisdiction.

order fails to protect nearby residents from nuisance conditions associated with voestalpine's operations.

Since the commencement of full-scale operations in December 2016, the Company has persistently operated the Plant in a manner which has interfered with living conditions in Northshore Country Club Estates and the Bay Ridge Subdivision. The Company concedes in the Plan that, as early as May 2017, it received complaints from nearby residents that air-borne particles from the unauthorized handling of incompletely processed materials were reaching homes in these subdivisions (Plan, p. 3). Although voestalpine asserts in the Plan that it has instituted various outreach programs to abate nuisance conditions from these unauthorized operations at the Plant, such measures have been unsatisfactory. As recently as July, 2019, the TCEQ received over fifty (50) letters from nearby residents in response to the public notice regarding the Company's application to amend its air permit. These letters demonstrate that air emissions from the Plant continue to adversely affect residents' lives and property. Complaints registered in these letters include the increased need for medical care due to respiratory ailments, such as asthma, permanent property damage to houses, cars, and pool equipment, and blighted vegetation. In the words of one resident, "They [voestalpine] have continued to fix nothing at the plant to stop the iron oxide being spread across the city and the piles stored outside keep getting bigger and bigger. My family and I have had health issues due to the poor air quality here in Portland ever since voestalpine has started operating." According to others, current emission levels "have led to a significant deterioration in the quality of life," with houses and cars "covered on a daily basis with their iron oxide emissions." The TCEQ's extensive sampling effort in the area, which identified the presence of contaminants consistent with samples taken from materials stockpiled by voestalpine, confirm the accuracy of these claims.

Due to the severity of nuisance conditions, the proposed agreed order must be revised to incorporate enforceable requirements to arrest these nuisance conditions as a replacement to its current approach of using the Plan authored by voestalpine as the tool by which to ensure compliance. Section IV.3.b. provides that the Company shall "[w]ithin 30 days after the effective date of this Order, implement all provisions of the approved Plan in accordance with the schedule in the approved Plan." While this provision appears reasonable on its face, the Plan is primarily descriptive in nature and, therefore, largely fails to prescribe quantifiable and legally enforceable obligations. By its own terms, the Plan "identifies and describes measures taken to date, and proposed upgrades and changes to equipment and work practices designed to mitigate against the creation of fugitive sources of iron oxide and/or metallic iron dust from potentially creating nuisance conditions" (Plan, p. 3). Thus, with the stated purpose of "identifying and describing" measures rather than imposing them, the Plan proceeds to perform this task with regard to "seven specific categories of operations and equipment" (Plan, p. 4): Stockpiles, Conveyors, Building Openings and Vents, Transfer Points, Loading and Unloading Areas, In-plant Roads and Work Areas, and a catch-all category defined as All Other Authorized Emission Points for Visible Iron Oxide and/or Metallic Iron Fugitive Emissions. Each of the seven sections of the Plan relating to these sources are then organized using the following headings: Description, Implementation, and Timeline/Milestones.

The inadequacies of this approach are visible in the first section of the Plan relating to Stockpiles. With respect to the use of polymers and surfactants to control dust emissions from these sources, the Plan provides: "Any new TCEQ-approved piles will be treated within 5 working days, with the target goal being treatment the day after creation is complete, weather and equipment permitting. If the pile is not treated the day after creation is complete, documentation will be created and filed stating reason" (Plan, p. 8). Notably, this provision only implies action by the Company once the "creation" of the stockpile is "complete," not during its construction, which has equal potential to generate nuisance-causing air emissions if construction takes place over the course of several days or weeks. To blunt this error, as well as to compensate for the overlong schedule of five working-days, voestalpine proposes a "target goal" for treatment within one day after completion. However, a "target goal" is not a legally enforceable standard requiring stockpiles be treated within one day after they are completed. Moreover, if voestalpine fails to meet its "target goal," it can avoid taking timely action simply by filing a record "stating reason," a vague, unenforceable standard lacking in specificity, much like the phrase "weather and equipment permitting," which is also too vague to excuse Company action. Along similar lines, in Section 2 applicable to Conveyors, the Plan provides: "voestalpine conducts periodic observations to detect missing covers (e.g., missing or damaged covers). When covers are observed to be missing, voestalpine will replace these covers within 3 working day [sic], all exceptions will be documented" (Plan, p. 13). As with the treatment of stockpiles for dust suppression, this provision allows the Company to avoid replacing "missing covers" (which is awkwardly defined as including both missing and damaged covers) by simply documenting "all exceptions." In addition, this provision is a mere recitation of the Company's practice to conduct "periodic observations," as opposed to a legally enforceable requirement that obligates the Company to take this action. The Plan's lack of specificity and clarity also characterizes its use of the term "observations," which although apparently intended to be synonymous with the term "inspections," lacks that term's regulatory vigor. Finally, Section 3 of the Plan relating to Building Opening [sic] and Vents also exemplifies the Plan's characteristic vagueness by simply providing that voestalpine will address fugitive emissions from these sources "promptly" and document "[a]ll exceptions and corrective actions" (Plan, p. 14). Accordingly, these and similar provisions should be revised to specify measurable, quantifiable and enforceable standards for control of fugitive dust emissions. Otherwise, the conditions described in the comment letters discussed above, will persist, as it is apparent from those letters that the existing measures as described in the Plan are inadequate.

In addition to describing existing measures to control Plant emissions, the Plan proposes certain upgrades to those measures, such as Dry Fog, Wind Fencing, and Third-Party investigation of site-wide emissions points. However, these so-called upgrades involve only preliminary steps that will not necessarily result in the imposition of any these techniques to control fugitive dust emissions. Specifically, the Plan mentions the possibility that wind fences could be used to control fugitive dust emissions from sources, such as Transfer Points and Loading and Unloading Areas. It states that voestalpine has "spoken with" a third-party consultant, Dust Solutions Inc. ("DSI") about its fencing material the Wind Tamer and its potential to lower wind velocities and therefore reduce the volume of fugitive dust emissions (Plan, p. 17). The Plan, however, only provides that

the Company will hire DSI to conduct modeling, leaving the actual installation of wind fencing an open question:

> Prior to making a final determination as to whether wind fencing is a cost-effective option, voestalpine will engage DSI to produce a site-wide model to illustrate how the various structures throughout the facility affect wind patterns and wind velocity. The site-wide modeling will ensure that voestalpine is presented with the most efficient and effective wind fence installation locations. The model will include all major structures and conveyors in the plant, giving voestalpine an effective estimate of the effects the wind fence will have on the facility. (Plan, pp. 17-18)

This provision contains no commitment by voestalpine for actual installation of wind fences upon completion of modeling by DSI, only that the "[d]ecision on fence placement will be documented" (Plan, p. 18). In a separate section of the Plan dealing with wind fencing at Loading and Unloading Areas, voestalpine adopts a similar approach, stating that the Company "is investigating the installation of engineered wind fencing in key areas" and that it "has spoken" with DSI about their product the Wind Tamer (Plan, p. 25). Characteristically, the Company stops short of expressing any commitment to install such measures, stating that "[p]rior to making a final determination as to whether wind fencing is a cost-effective option for loading and unloading, voestalpine will engage DSI to produce a site wide model to illustrate how the various structures throughout the facility may affect wind patterns and wind velocity" (Plan, p. 25).

The Company implements a similar wait-and-see strategy for the use of Dry Fog to control fugitive dust emissions, stating that voestalpine has consulted with DSI regarding the use of their Dry Fog product for this purpose. The Company advises that it "intends" to use Dry Fog technology at certain specified locations within the Plant, "*assuming* they are determined to be technically feasible and cost-effective for Dry Fog use" (Plan, p. 18) (emphasis added). Thus, the Plan does not contain any commitment on the part of voestalpine to implement any upgrade involving the use of Dry Fog to control emissions. In a related section of the Plan involving the use of Dry Fog to control emissions from Transfer Tower 22, the Company states that it "intends" to install a Dry Fog system in the upper and lower transfer points of the tower (Plan, p. 20). This statement is likely unenforceable as a requirement for the installation of a Dry Fog system at this location because the Plan merely indicates voestalpine's subjective intent to install said system rather than explicitly stating that voestalpine *will* install the system. The same language appears in Sections 4.4.4 and 4.4.5 of the Plan relating to the use of Dry Fog at Transfer Tower 23 and Reclaimer 01, respectively, both of which provide that "voestalpine intends to install a Dry Fog system" for these units (Plan, pp. 20-21). The use of Dry Fog at Loading and Unloading Areas is even more tentative: the Plan identifies Dry Fog as a "potential solution" which "may" be included at loading areas (Plan, p. 26).

The Company's strategy to upgrade control measures at other potential site-wide emission points similarly invokes the use of third-party experts to investigate conditions with no enforceable commitment by voestalpine to implement upgrades at these locations. Specifically, in Section 7 of the Plan, the Company once again expresses its "intention" to retain an expert to investigate these emission points, using theoretical language that merely "envisions" the expert's scope of work

rather than plainly setting it out: "voestalpine envisions that this expert will assess the facility's operations, equipment, and previously implemented dust control measures" (Plan, p. 32). The Company will then "assess and analyze the recommended measures to determine if they are technologically feasible, practical, and cost effective" and implement only those measures "that satisfy the required criteria" (Plan, p. 32). After reviewing all of these sections, it becomes apparent that the "proposed upgrades" touted at the beginning of the Plan involving the use of Dry Fog, Wind Fencing, and Third-Party Investigation lack substance and are merely theoretical. In addition, any implementation of these proposed measures would lie outside the scope of an agreed order, raising doubts as to their ultimate enforceability. That is why the proposed agreed order should be revised in the first instance to specify measurable, quantifiable, and enforceable standards to upgrade existing measures for the control of fugitive dust emissions from the Plant.

The proposed agreed order specifies that the Company will contribute to two separate pre-approved Supplemental Environmental Projects ("SEP") to offset a portion of the assessed penalty of $658,926, one involving contributions to AutoCheck to be used for vehicle repairs, and the other for the cleanup of unauthorized trash dumpsites in San Patricio County. While the City believes that these SEPs involve worthwhile projects, they are tangential to the violations alleged in the proposed agreed order, which center on the adverse effects of fugitive dust emissions from the Plant on the surrounding community. It is for this reason that the City encouraged voestalpine to consider a custom SEP that would directly engage with those adversely affected by the Plant by restoring conditions in those communities. The Company, however, declined this invitation, thereby missing an opportunity to restore not only damaged cars and homes but also damaged relationships with the residents living in close proximity to the Plant.

This comment letter has endeavored to show that the Plan on which the TCEQ relies to implement measures currently used by voestalpine to control fugitive dust emissions is primarily descriptive in nature, an approach that is inconsistent with the establishment of legally enforceable obligations for which the Company could be held accountable under Section IV.3.b. of the proposed agreed order. The provisions highlighted in this letter are not exhaustive and are presented as examples demonstrating the flaws associated with the Plan's general methodology. In addition, the Plan's proposed upgrades to these existing measures, which involve the use of Dry Fog, Wind Fencing, and Third-Party Investigation, are merely theoretical remedies whose implementation is largely within the Company's discretion and, in addition, would lie outside the terms of the agreed order, as proposed. Therefore, the City urges the TCEQ to remand the proposed agreed order for further consideration. In making this request, the City does not wish to unnecessarily delay the enforcement action against voestalpine. We recognize that compliance and enforcement promote the interests of nearby residents; however, it is equally important for any enforcement action to result in the imposition of enforceable standards that are measurable and quantifiable. To achieve these two objectives, the City proposes that the enforcement case be remanded to the Executive Director for a period not to exceed ninety (90) days to allow for the development of measurable, quantifiable and enforceable standards for the control of fugitive dust emissions from the Plant and the prevention of further violations by voestalpine.

Sincerely,

Cathy Skurow

Cathy Skurow,
Mayor

cc: Susan Clewis (via fax and e-mail)
Director, TCEQ Region 14

Michael De La Cruz (via fax and e-mail)
Manager, Enforcement Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 10, 2022

The Honorable Cathy Skurow
Mayor of the City of Portland
1900 Billy G. Webb Drive
Portland, Texas 78374

Re: Comments Received, Proposed Agreed Enforcement Order
voestalpine Texas LLC; RN106597875
Enforcement Case No. 55381; Docket No. 2018-1266-MLM-E

Dear Mayor Skurow:

On May 4, 2020, we received your comments concerning the proposed agreed order for voestalpine Texas LLC. We forwarded your comment to our Corpus Christi Regional Office for their information and to our General Counsel's Office so that the Commissioners can consider your comments regarding the proposed order. Please note that this case has been backlogged and cites violations beginning in 2017. Efforts in earnest recently began to proceed with bringing backlogged cases to Commissioners' Agenda in order to make effective orders and contained ordering provisions.

Texas Commission on Environmental Quality (TCEQ) staff and voestalpine Texas LLC agreed to the terms of the proposed order on March 9, 2020. Accordingly, voestalpine Texas LLC was assessed an administrative penalty of $658,926, of which $131,785 has been deferred in accordance with our expedited order process, and has paid $263,571 of the administrative penalty. The amount of $263,570 shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

The technical requirements in the proposed agreed order require voestalpine Texas LLC to respond completely and adequately to all requests for information concerning the permit amendment application and to implement all provisions of the approved plan to address fugitive emissions from leaving the property and causing nuisance conditions. The proposed order addresses the alleged violations that were documented during investigations conducted from May 16, 2017 through October 16, 2017, November 14, 2017 through January 22, 2018, and November 1, 2017 through June 14, 2018 and during a record review conducted from November 24, 2017 through April 17, 2018 and allows voestalpine Texas LLC to come back into compliance.

You had a concern with the welfare of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision being adversely affected by the operations at voestalpine Texas LLC. The TCEQ appreciates your concern. The TCEQ Corpus Christi Regional Office has received, and responded to, numerous complaints alleging nuisance dust. The proposed order addresses nuisance conditions documented during

investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. If the residents are being adversely impacted by the

operations at voestalpine Texas LLC, the residents may file complaints now and in the future with the TCEQ Corpus Christi Regional Office. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

You had a concern with the safety of the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision being adversely affected by the operations at voestalpine Texas LLC. The TCEQ appreciates your concern and the TCEQ takes its mission to protect public health and environment very seriously; therefore, the TCEQ will continue to take action under our authority to ensure voestalpine Texas LLC complies with the TCEQ rules and regulations.

You had concerns that the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is flawed, primarily descriptive in nature, and does not establish legally enforceable obligations; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions contains various outreach programs for abating nuisance conditions that are unsatisfactory; the proposed agreed order did not incorporate enforceable requirements to arrest the nuisance conditions; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for minimizing emissions from the stockpiles, conveyors, and building openings and vents; the plan for addressing the fugitive emissions from leaving voestalpine Texas LLC's property and causing nuisance conditions is inadequate for controlling emissions; and the strategies to upgrade control measures at other potential site-wide emission points are possibilities and are without commitment. The TCEQ appreciates your concerns. The proposed order addresses fugitive emissions leaving the property that were documented during an investigation conducted from November 1, 2017 through June 14, 2018 and nuisance conditions that were documented during investigations conducted from May 16, 2017 through October 16, 2017 and November 14, 2017 through January 22, 2018. The implementation of the approved plan is enforceable. However, if the residents are being impacted by the operations at voestalpine Texas LLC, the residents may file complaints now and in the future with the TCEQ Corpus Christi Regional Office. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue. Since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 TEX. ADMIN. CODE § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with the TCEQ rules, regulations, and agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

You had a concern that the proposed order should be further developed to allow for the development of measurable, quantifiable, and enforceable standards for the control of fugitive dust emissions and prevention of further violations. The TCEQ appreciates your concern; however, the corrective measures that have been implemented by voestalpine Texas LLC and the corrective measures proposed in the plan appear to have addressed the alleged violations. If the residents are being adversely impacted by the operations at voestalpine Texas LLC, the residents may continue to file complaints with the TCEQ Corpus Christi Regional Office. The TCEQ Corpus Christi Regional Office will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

You had concerns that the residents located in the Northshore Country Club Estates and Bay Ridge Subdivision experienced health impacts, the operation of voestalpine Texas LLC interfered with the living conditions in the Northshore Country Club Estates and Bay Ridge Subdivision, and voestalpine Texas LLC adversely affected the residents' lives and properties as indicated in the fifty letters that were submitted in response to the public notice for the permit amendment application. The TCEQ appreciates your concerns; however, these fall outside the scope of the enforcement action. If the residents are experiencing health impacts, interference with their living conditions, or adverse effects to their lives and properties by the operations at voestalpine Texas LLC, the residents may file complaints now and in the future with the TCEQ Corpus Christi Regional Office. As mentioned above, the TCEQ will continue to investigate all citizen complaints within the TCEQ's jurisdiction. If the TCEQ Corpus Christi Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

You had a concern with the two separate pre-approved Supplemental Environmental Projects. The TCEQ appreciates your concern; however, voestalpine Texas LLC selected projects that will benefit the community in which the alleged violations occurred, in accordance with TEX. WATER CODE § 7.067(a), and the TCEQ supports the participation in Supplemental Environmental Projects. As mentioned above, since an agreement was reached between voestalpine Texas LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 TEX. ADMIN. CODE § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor voestalpine Texas LLC's compliance with TCEQ rules, regulations, and the agreed order including the proposed plan and initiate additional enforcement actions as appropriate.

We appreciate your input into the enforcement action currently pending against voestalpine Texas LLC. The proposed agreed order will be considered at an upcoming Commissioners' Agenda. Ms. Yuliya Dunaway is the Enforcement Coordinator assigned to this case. If you have further concerns or comments related to this order, please do not hesitate to call Ms. Dunaway at (210) 403-4077. For complaints related to the current operating conditions or procedures voestalpine Texas LLC, you should contact our Corpus Christi Regional Office at (361) 881-6900.

Thank you,

Susan M. Jablonski

Susan M. Jablonski, P.E., Deputy Director for Enforcement Division
Office of Compliance and Enforcement
Texas Commission on Environmental Quality

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

TCEQ

DATES						
	Assigned	6-Nov-2017				
	PCW	11-Jul-2019	**Screening**	17-Nov-2017	**EPA Due**	

RESPONDENT/FACILITY INFORMATION			
Respondent	voestalpine Texas LLC (PCW 1 of 5)		
Reg. Ent. Ref. No.	RN106597875		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Major

CASE INFORMATION			
Enf./Case ID No.	55381	**No. of Violations**	3
Docket No.	2018-1266-MLM-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media	Water Quality	**Enf. Coordinator**	Carol McGrath
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: **$195,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History — **6.0%** Adjustment — *Subtotals 2, 3, & 7*: **$11,700**

Notes: Enhancement for three NOVs with dissimilar violations.

Culpability — No — **0.0%** Enhancement — *Subtotal 4*: **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5*: **$0**

Economic Benefit — **50.0%** Enhancement* — *Subtotal 6*: **$28,845**

Total EB Amounts $28,845
Estimated Cost of Compliance $205,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$235,545**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0.0%** — *Adjustment*: **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: **$235,545**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$235,545**

DEFERRAL — **20.0%** Reduction — *Adjustment*: **-$47,109**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: **$188,436**

Screening Date	17-Nov-2017	**Docket No.**	2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 1 of 5)			*Policy Revision 4 (April 2014)*
Case ID No.	55381			*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875			
Media [Statute]	Air			
Enf. Coordinator	Carol McGrath			

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 6%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 6%

Screening Date	17-Nov-2017	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 1 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description Failed to prevent nuisance conditions. Specifically, on May 16, 2017, May 17, 2017, May 18, 2017, May 19, 2017, May 20, 2017, May 23, 2017, May 24, 2017, May 25, 2017, May 26, 2017, May 30, 2017, June 2, 2017, June 5, 2017, June 8, 2017, June 13, 2017, June 15, 2017, June 23, 2017, June 30, 2017, July 13, 2017, July 19, 2017, September 8, 2017, and October 16, 2017, TCEQ staff documented iron ore dust at 141 off-site properties. Laboratory analysis of tape-lift samples that were collected from 20 of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events: 21 — 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $157,500

Twenty-one single events are recommended, one for each day nuisance conditions were documented.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $157,500

Economic Benefit (EB) for this violation

Estimated EB Amount $17,816

Statutory Limit Test

Violation Final Penalty Total $176,565

This violation Final Assessed Penalty (adjusted for limits) $176,565

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 1 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$100,000	16-May-2017	1-Dec-2019	2.55	$848	$16,968	$17,816
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	The estimated cost to implement measures and/or procedures to prevent iron oxide and/or metallic iron dust from creating nuisance conditions. The Date Required is the first date nuisance conditions were documented. The Final Date is the estimated date of compliance						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$100,000	TOTAL	$17,816

Screening Date	17-Nov-2017	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 1 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1, Special Conditions No. 17, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to store iron ore pellets in enclosed storage. Specifically, TCEQ staff observed five non-enclosed storage piles containing iron ore pellets.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 3 — 185 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $11,250

Three quarterly events are recommended for the period of non-compliance from the May 16, 2017 investigation date to the November 17, 2017 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $11,250

Economic Benefit (EB) for this violation

Estimated EB Amount $10,219

Statutory Limit Test

Violation Final Penalty Total $21,540

This violation Final Assessed Penalty (adjusted for limits) $21,540

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 1 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$100,000	16-May-2017	1-Jun-2019	2.04	$10,219	n/a	$10,219
Notes for DELAYED costs	Estimated costs to remove the five non-enclosed storage piles containing iron ore pellets and ensure that all iron ore pellets are stored in enclosed storage. The Date Required is the investigation date and the Final Date is the date of compliance.						
Avoided Costs	**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $100,000

TOTAL $10,219

Screening Date	17-Nov-2017	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 1 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.110(a) and 116.116(b)(1) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)

Violation Description Failed to obtain a permit amendment prior to constructing and operating additional sources of air contaminants. Specifically, the Respondent did not obtain a permit amendment before operating additional non-enclosed stockpiles containing fines, clusters, chips, sludge, and remet.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 7 — 185 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $26,250

Seven monthly events are recommended from the May 16, 2017 investigation date to the November 17, 2017 screening date.

Good Faith Efforts to Comply

0.0% — Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $26,250

Economic Benefit (EB) for this violation

Estimated EB Amount $809

Statutory Limit Test

Violation Final Penalty Total $37,440

This violation Final Assessed Penalty (adjusted for limits) $37,440

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 1 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs	$5,000	8-Mar-2017	1-Jun-2020	3.24	$809	n/a	$809
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to obtain an amendment for NSR Permit Nos. 108113 and PSDTX1344M1 that includes the incorporation of Permit by Rule Registration No. 147082; the increase of the carbon monoxide hourly maximum allowable emissions rate ("MAER") for Emissions Point Number ("EPN") 8; the increase of the particulate matter ("PM") equal to or less than 10 microns in diameter ("PM10"), and particulate matter equal to or less than 2.5 microns in diameter ("PM2.5") MAERs for EPN 29; and the amendment of the PM, PM10, and PM2.5 MAERs for EPN 33. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.						
Avoided Costs	**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $5,000

TOTAL $809

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

TCEQ

DATES						
	Assigned	26-Feb-2018				
	PCW	11-Jul-2019	**Screening**	28-Feb-2018	**EPA Due**	

RESPONDENT/FACILITY INFORMATION			
Respondent	voestalpine Texas LLC (PCW 2 of 5)		
Reg. Ent. Ref. No.	RN106597875		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Major

CASE INFORMATION			
Enf./Case ID No.	55381	**No. of Violations**	1
Docket No.	2018-1266-MLM-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media	Water Quality	**Enf. Coordinator**	Carol McGrath
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: **$37,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History — **6.0%** Adjustment — *Subtotals 2, 3, & 7*: **$2,250**

Notes: Enhancement for three NOVs with dissimilar violations.

Culpability — No — **0.0%** Enhancement — *Subtotal 4*: **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5*: **$0**

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6*: **$0**

Total EB Amounts $0

Estimated Cost of Compliance $0

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: **$39,750**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **0.0%** — *Adjustment*: **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: **$39,750**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: **$39,750**

DEFERRAL — **20.0%** Reduction — *Adjustment*: **-$7,950**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: **$31,800**

Screening Date	28-Feb-2018	**Docket No.**	2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 2 of 5)			*Policy Revision 4 (April 2014)*
Case ID No.	55381			*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875			
Media [Statute]	Air			
Enf. Coordinator	Carol McGrath			

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 6%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 6%

Screening Date	28-Feb-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 2 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description Failed to prevent nuisance conditions. Specifically, TCEQ staff documented iron ore dust nuisance conditions at three off-site properties on November 15, 2017 and December 1, 2017 and obtained citizen-collected evidence from one of the properties that documented additional dust nuisance conditions on November 9, 2017, November 16, 2017, and December 19, 2017. Laboratory analysis of tape-lift samples that were collected from two of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events: 5 — 5 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $37,500

Five single events are recommended, one for each day nuisance conditions were documented.

Good Faith Efforts to Comply

0.0% — **Reduction** $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $37,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $39,750

This violation Final Assessed Penalty (adjusted for limits) $39,750

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 2 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit in Violation No. 1 for PCW 1						
Avoided Costs	**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$0	TOTAL	$0

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

TCEQ

DATES						
Assigned	14-May-2018					
PCW	11-Jul-2019	**Screening**	16-May-2018	**EPA Due**	5-Nov-2018	

RESPONDENT/FACILITY INFORMATION			
Respondent	voestalpine Texas LLC (PCW 3 of 5)		
Reg. Ent. Ref. No.	RN106597875		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Major

CASE INFORMATION			
Enf./Case ID No.	55381	**No. of Violations**	2
Docket No.	2018-1266-MLM-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media	Water Quality	**Enf. Coordinator**	Carol McGrath
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — ***Subtotal 1*** **$225,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$0**

Notes: Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Culpability No **0.0%** Enhancement — ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — ***Subtotal 5*** **$0**

Economic Benefit **0.0%** Enhancement* — ***Subtotal 6*** **$0**

Total EB Amounts $0
Estimated Cost of Compliance $0

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$225,000**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** — ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$225,000**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$225,000**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$45,000**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$180,000**

Screening Date	16-May-2018	**Docket No.**	2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 3 of 5)			*Policy Revision 4 (April 2014)*
Case ID No.	55381			*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875			
Media [Statute]	Air			
Enf. Coordinator	Carol McGrath			

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 0%

Screening Date	16-May-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 3 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1, General Conditions ("GC") Nos. 1, 8, and 14 and Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O3903, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during stack testing conducted on March 8 and 9, 2017, the Respondent exceeded the particulate matter ("PM") MAER of 4.20 pounds per hour ("lbs/hr") by 13.42 lbs/hr for the Reformer Main Flue Ejector Stack, Emissions Point Number ("EPN") 29, resulting in 139,782.72 lbs of unauthorized PM.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events: 15 — 434 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $112,500

Fifteen monthly events are recommended from the March 8, 2017 stack test end date to the May 16, 2018 screening date.

Good Faith Efforts to Comply

0.0%

Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $112,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $112,500

This violation Final Assessed Penalty (adjusted for limits) $112,500

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 3 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit in Violation No. 3 for PCW 1.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date	16-May-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 3 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, FOP No. O3903, GTC and STC No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted on March 15, 2017, the Respondent exceeded the carbon monoxide ("CO") MAER of 873.00 lbs/hr by 17.58 lbs/hr for the Furnace Dedusting Wet Scrubber Stack, EPN 8, resulting in 180,159.8 lbs of unauthorized CO.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events: 15 — 427 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $112,500

Fifteen monthly events are recommended from the March 15, 2017 stack test to the May 16, 2018 screening date.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $112,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $112,500

This violation Final Assessed Penalty (adjusted for limits) $112,500

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 3 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit in Violation No. 3 for PCW 1.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

TCEQ

DATES						
	Assigned	7-Aug-2018				
	PCW	11-Jul-2019	**Screening**	13-Aug-2018	**EPA Due**	

RESPONDENT/FACILITY INFORMATION			
Respondent	voestalpine Texas LLC (PCW 4 of 5)		
Reg. Ent. Ref. No.	RN106597875		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Minor

CASE INFORMATION			
Enf./Case ID No.	55381	**No. of Violations**	4
Docket No.	2018-1266-MLM-E	**Order Type**	1660
Media Program(s)	Water Quality	**Government/Non-Profit**	No
Multi-Media	Air	**Enf. Coordinator**	Carol McGrath
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — ***Subtotal 1*** **$3,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$0**

Notes: Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Culpability No **0.0%** Enhancement — ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — ***Subtotal 5*** **-$936**

Economic Benefit **0.0%** Enhancement* — ***Subtotal 6*** **$0**

Total EB Amounts $1,285
Estimated Cost of Compliance $4,197

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$2,814**

OTHER FACTORS AS JUSTICE MAY REQUIRE **43.6%** — ***Adjustment*** **$1,226**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs associated with compliance for Violation Nos. 1 and 4.

Final Penalty Amount **$4,040**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$4,040**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$808**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$3,232**

Screening Date	13-Aug-2018	**Docket No.**	2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 4 of 5)			*Policy Revision 4 (April 2014)*
Case ID No.	55381			*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875			
Media [Statute]	Water Quality			
Enf. Coordinator	Carol McGrath			

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 0%

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 4 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Water Quality		
Enf. Coordinator	Carol McGrath		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 Code of Federal Regulations ("CFR") § 122.26(c), and Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05CR67, Part III, Section A.4(f)(1)

Violation Description Failed to conduct employee training at least once per year. Specifically, operations at the Plant began in September of 2016 but employees had not received training on the stormwater pollution prevention plan.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to an insignificant amount of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $24,250

$750

Violation Events

Number of Violation Events: 1 — 48 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $187

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on November 17, 2017, prior to the July 30, 2018 Notice of Enforcement ("NOE").

Violation Subtotal $563

Economic Benefit (EB) for this violation

Estimated EB Amount $197

Statutory Limit Test

Violation Final Penalty Total $808

This violation Final Assessed Penalty (adjusted for limits) $808

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 4 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel	$1,500	30-Sep-2017	17-Nov-2017	0.13	$0	$197	$197
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to provide employees with stormwater pollution prevention training at least once per year. The Date Required is the date when training was due and the Final Date is the compliance date.						

Approx. Cost of Compliance $197

TOTAL $197

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 4 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Water Quality		
Enf. Coordinator	Carol McGrath		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(c)

Violation Description Failed to certify that the Plant's stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur. Specifically, the stormwater pollution prevention plan certification was not available for review upon request.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment $24,750

$250

Violation Events

Number of Violation Events: 1 — 263 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $62

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on November 11, 2017, prior to the July 30, 2018 NOE.

Violation Subtotal $188

Economic Benefit (EB) for this violation

Estimated EB Amount $54

Statutory Limit Test

Violation Final Penalty Total $270

This violation Final Assessed Penalty (adjusted for limits) $270

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 4 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$1,500	21-Feb-2017	11-Nov-2017	0.72	$54	n/a	$54
Notes for DELAYED costs	Estimated cost to evaluate the stormwater system and certify that discharges of non-stormwater and non-permitted flows do not occur. The Date Required is 180 days after the Notice of Intent. The Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$1,500	TOTAL	$54

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 4 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Water Quality		
Enf. Coordinator	Carol McGrath		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.3(d)(1)

Violation Description Failed to identify all stormwater outfalls at the Plant. Specifically, the Respondent depicted one stormwater outfall on the Drainage Area Site Map, but additional outfalls were identified around the dock area and on the north side of the Plant.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment $24,750

$250

Violation Events

Number of Violation Events: 1 — 285 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $62

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on November 20, 2017, prior to the July 30, 2018 NOE.

Violation Subtotal $188

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $270

This violation Final Assessed Penalty (adjusted for limits) $270

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 4 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$1,000	1-Nov-2017	20-Nov-2017	0.05	$3	n/a	$3
Notes for DELAYED costs	Estimated cost to depict the location of each outfall on the Drainage Area Site Map. The Date Required is the date of the investigation. The Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $3

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 4 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media [Statute]	Water Quality		
Enf. Coordinator	Carol McGrath		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a)

Violation Description Failed to conduct benchmark monitoring once every six months (January through June or July through December) following permit issuance and then once each subsequent semiannual period. Specifically, TPDES MSGP No. TXR05CR67 was issued on April 27, 2016, the Plant began operating in September of 2016, and the Respondent had not conducted any benchmark monitoring.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 2 — 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

Two single events are recommended for the semiannual periods ending on December 31, 2016 and on June 30, 2017.

Good Faith Efforts to Comply

25.0% Reduction $625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on December 7, 2017, prior to the July 30, 2018 NOE.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $1,031

Statutory Limit Test

Violation Final Penalty Total $2,692

This violation Final Assessed Penalty (adjusted for limits) $2,692

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 4 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling	$500	1-Nov-2017	7-Dec-2017	0.10	$2	n/a	$2
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to begin conducting semiannual benchmark monitoring as required by TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a). The Date Required is the investigation date and the Final Date is the date of compliance.						
Avoided Costs	**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs	$500	31-Dec-2016	1-Nov-2017	0.84	$21	$500	$521
Other (as needed)	$500	30-Jun-2017	1-Nov-2017	0.34	$8	$500	$508
Notes for AVOIDED costs	The avoided cost includes the estimated amounts to collect and analyze stormwater samples for aluminum, copper, iron, total suspended solids, and zinc and record the results for benchmark monitoring ($25 per parameter x five parameters x four outfalls). The Dates Required are the last day samples could have been collected for the two semiannual periods when sampling was not conducted and the Final Dates are the investigation date.						

Approx. Cost of Compliance	$1,500	TOTAL	$1,031

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

TCEQ

DATES						
	Assigned	7-Aug-2018				
	PCW	11-Jul-2019	**Screening**	13-Aug-2018	**EPA Due**	

RESPONDENT/FACILITY INFORMATION			
Respondent	voestalpine Texas LLC (PCW 5 of 5)		
Reg. Ent. Ref. No.	RN106597875		
Facility/Site Region	14-Corpus Christi	**Major/Minor Source**	Major

CASE INFORMATION			
Enf./Case ID No.	55381	**No. of Violations**	12
Docket No.	2018-1266-MLM-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media	Water Quality	**Enf. Coordinator**	Carol McGrath
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — ***Subtotal 1*** **$172,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$0**

Notes: Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Culpability No **0.0%** Enhancement — ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — ***Subtotal 5*** **-$22,373**

Economic Benefit **0.0%** Enhancement* — ***Subtotal 6*** **$0**

Total EB Amounts $7,189
Estimated Cost of Compliance $41,166

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$149,627**

OTHER FACTORS AS JUSTICE MAY REQUIRE **3.3%** — ***Adjustment*** **$4,964**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs associated with compliance for Violation Nos. 5, 6, 8, 9, and 10.

Final Penalty Amount **$154,591**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$154,591**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$30,918**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$123,673**

Screening Date	13-Aug-2018	**Docket No.**	2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)			*Policy Revision 4 (April 2014)*
Case ID No.	55381			*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875			
Media	Air			
Enf. Coordinator	Carol McGrath			

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Since the reduction for two notices of intent to conduct an audit is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 0%

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 1

Rule Cite(s): 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M1, General Conditions ("GC") Nos. 1, 8, and 14 and Special Conditions ("SC") No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description: Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 0.22 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through October 2017 for the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack, Emissions Point No. ("EPN") 6, resulting in 0.241 ton of unauthorized PM.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			x
	Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 4 — 303 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $15,000

Four quarterly events are recommended for the period of non-compliance from January 1, 2017 through October 31, 2017.

Good Faith Efforts to Comply

25.0% — Reduction $3,750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance by November 30, 2017, prior to the July 30, 2018 Notice of Enforcement ("NOE").

Violation Subtotal $11,250

Economic Benefit (EB) for this violation

Estimated EB Amount $493

Statutory Limit Test

Violation Final Penalty Total $11,623

This violation Final Assessed Penalty (adjusted for limits) $11,623

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling	$1,500	1-Jan-2017	30-Jun-2017	0.49	$37	n/a	$37
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$10,000	1-Jan-2017	30-Nov-2017	0.91	$456	n/a	$456
Notes for DELAYED costs	Estimated cost to implement measures and procedures in order to ensure that the baghouses for EPNs 6 and 7D were operating properly during normal operations ($1,500) and to demonstrate compliance with the PM annual MAER for EPN 6 ($10,000). The Date Required is the initial date of non-compliance and the Final Dates are the dates of compliance.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$11,500	TOTAL	$493

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.22 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2017 for the Oxide Tower Transfer Fabric Filter Stack, EPN 7D, resulting in 0.0022 ton of unauthorized PM.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 4 — 333 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $15,000

Four quarterly events are recommended for the period of non-compliance from January 1, 2017 through November 30, 2017.

Good Faith Efforts to Comply

25.0% — Reduction $3,750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance by December 31, 2017, prior to the July 30, 2018 NOE.

Violation Subtotal $11,250

Economic Benefit (EB) for this violation

Estimated EB Amount $499

Statutory Limit Test

Violation Final Penalty Total $11,623

This violation Final Assessed Penalty (adjusted for limits) $11,623

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$10,000	1-Jan-2017	31-Dec-2017	1.00	$499	n/a	$499
Notes for DELAYED costs	Estimated cost to demonstrate compliance with the PM annual MAER for EPN 7D. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.						
Avoided Costs	**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$10,000	TOTAL	$499

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAERs. Specially, the Respondent exceeded the PM, the PM equal to or less than 10 microns in diameter ("PM10"), and the PM equal to or less than 2.5 microns in diameter ("PM2.5") MAERs of 18.39 tpy based on a 12-month rolling period for the 12-month periods ending from March 2017 through November 2017 for the Reformer Main Flue Ejector Stack, EPN 29, resulting in 55.68 tons of unauthorized PM.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events: 9 — 274 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $67,500

Nine monthly events are recommended for the period of non-compliance from March 1, 2017 through November 30, 2017.

Good Faith Efforts to Comply

0.0%

Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $67,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $69,739

This violation Final Assessed Penalty (adjusted for limits) $69,739

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit in Violation No. 3 for PCW 1.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAERs. Specifically, the Respondent exceeded the PM MAER of 11.44 tpy based on a 12-month rolling period and the PM10 and PM2.5 MAERs of 0.34 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through November 2017 for the Salt Water Cooling Tower, EPN 33, resulting in 4.42 tons of unauthorized PM.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 2 — 182 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Two quarterly events are recommended for the period of non-compliance from June 1, 2017 through November 30, 2017.

Good Faith Efforts to Comply

0.0%

Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $7,749

This violation Final Assessed Penalty (adjusted for limits) $7,749

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	See Economic Benefit in Violation No. 3 for PCW 1.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$0	TOTAL	$0

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly visible emissions observations for 13 EPNs from the second quarter of 2016 through the third quarter of 2017.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 6 — 548 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $22,500

Six quarterly events are recommended for the six missed quarterly visible emissions observations.

Good Faith Efforts to Comply

25.0% Reduction $5,625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance by March 31, 2018, prior to the July 30, 2018 NOE.

Violation Subtotal $16,875

Economic Benefit (EB) for this violation

Estimated EB Amount $1,559

Statutory Limit Test

Violation Final Penalty Total $17,435

This violation Final Assessed Penalty (adjusted for limits) $17,435

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$250	1-Nov-2017	31-Mar-2018	0.41	$5	n/a	$5
Notes for DELAYED costs	Estimated cost to begin conducting quarterly visible emissions observations of EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 16, 17, and 29. The Date Required is the investigation date and the Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)	$1,547	30-Sep-2017	1-Nov-2017	0.09	$7	$1,547	$1,554
Notes for AVOIDED costs	Estimated avoided costs plus accrued interest to conduct visible emissions observations of EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 16, 17, and 29 at least once in each calendar quarter (six quarters with at least one missed observation @ $250/quarter plus $47 interest that began accruing on June 30, 2016, September 30, 2016, December 31, 2016, March 31, 2017, and June 30, 2017 - the end dates of the first five calendar quarters when visible observations were missed). The Date Required is the last day of the last calendar quarter when the visible emissions observations could have been conducted and the Final Date is the investigation date.						

Approx. Cost of Compliance	$1,797	TOTAL	$1,559

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources for the second, third, and fourth quarters of 2016 and the first quarter of 2017.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $23,250

$1,750

Violation Events

Number of Violation Events: 4 — 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $7,000

Four single events are recommended for the four missed quarterly visible emissions observations.

Good Faith Efforts to Comply

25.0% — Reduction $1,750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on May 25, 2017, prior to the July 30, 2018 NOE.

Violation Subtotal $5,250

Economic Benefit (EB) for this violation

Estimated EB Amount $1,027

Statutory Limit Test

Violation Final Penalty Total $5,424

This violation Final Assessed Penalty (adjusted for limits) $5,424

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)	$1,019	31-Mar-2017	25-May-2017	0.15	$8	$1,019	$1,027
Notes for AVOIDED costs	Estimated avoided costs plus accrued interest to conduct fugitive visible emissions observations of the process buildings and/or fugitive sources at least once in each calendar quarter (four quarters of missed observations @ $250/quarter plus $19 interest that began accruing on June 30, 2016, September 30, 2016, and December 31, 2016 - the end dates of the first three calendar quarters when visible observations were missed). The Date Required is the last day of the last calendar quarter when the visible emissions observation could have been conducted and the Final Date is the date of compliance.						

Approx. Cost of Compliance	$1,019	TOTAL	$1,027

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 42D, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records for the quarterly inspections. Specifically, the Respondent did not maintain records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems in the third and fourth quarters of 2016.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 273 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,750

One single events is recommended.

Good Faith Efforts to Comply

25.0% Reduction $937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance by May 31, 2017, prior to the July 30, 2018 NOE.

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $69

Statutory Limit Test

Violation Final Penalty Total $2,906

This violation Final Assessed Penalty (adjusted for limits) $2,906

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System	$1,500	1-Jul-2016	31-May-2017	0.92	$69	n/a	$69
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to begin maintaining records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems. The Date Required is the date of noncompliance and the Final Date is the date of compliance.						
Avoided Costs	**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,500

TOTAL $69

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to sample the cooling water for the concentration of total dissolved solids ("TDS") once a week. Specifically the Respondent did not sample the cooling water TDS concentrations for the Salt Water Cooling Tower, EPN 33, for 11 weeks from September 26, 2016 through December 11, 2016.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 77 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended for the period of non-compliance from September 26, 2016, through December 11, 2016.

Good Faith Efforts to Comply

25.0% Reduction $937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on December 18, 2016, prior to the July 30, 2018 NOE.

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $276

Statutory Limit Test

Violation Final Penalty Total $2,906

This violation Final Assessed Penalty (adjusted for limits) $2,906

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)	$276	11-Dec-2016	18-Dec-2016	0.02	$0	$276	$276
Notes for AVOIDED costs	Estimated avoided costs plus accrued interest to conduct sampling of cooling water for TDS once a week (11 missed samples @ $25/sample plus $1 interest that began accruing on October 2, 2016, October 9, 2016, October 16, 2016, October 23, 2016, October 30, 2016, November 6, 2016, November 13, 2016, November 20, 2016, November 27, 2016, and December 4, 2016 - the end dates of the first ten weeks when sampling and analyzing of cooling water for TDS were missed). The Date Required is the last day of the last week when the sampling and analyzing of cooling water could have been conducted and the Final Date is the compliance date.						

Approx. Cost of Compliance $276

TOTAL $276

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to sample the cooling water once a day for conductivity or monitor the cooling water continuously for conductivity. Specifically, the Respondent did not sample and analyze the cooling water conductivity for the Salt Water Cooling Tower, EPN 33, on 34 days: October 1, 2016, October 5 through 10, 2016, October 12 through 24, 2016, October 26 through 31, 2016, November 6, 2016, November 13, 2016, November 20, 2016, November 27, 2016, December 4, 2016, December 11, 2016, December 18, 2016, and December 25, 2016.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — Number of violation days: 34

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended for the instances of non-compliance that occurred from October 1, 2016 to December 25, 2016.

Good Faith Efforts to Comply

25.0% — Reduction $937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on December 26, 2016, prior to the July 30, 2018 NOE.

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $882

Statutory Limit Test

Violation Final Penalty Total $2,906

This violation Final Assessed Penalty (adjusted for limits) $2,906

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)	$882	25-Dec-2016	26-Dec-2016	0.00	$0	$882	$882
Notes for AVOIDED costs	Estimated avoided costs plus accrued interest to conduct sampling of the cooling water for conductivity once a day (34 missed samples @ $25/sample plus $32 interest that began accruing on October 1, 2016 and the other 32 days preceding the last documented day when sampling and analyzing of cooling water for conductivity were missed). The Date Required is the last day when the sampling and analyzing of cooling water was not conducted and the Final Date is the compliance date.						

Approx. Cost of Compliance $882

TOTAL $882

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 30, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct daily visible emissions observations for the wet scrubbers. Specifically, the Respondent did not conduct daily visible emissions observations for the Furnace Dedusting (BSG Dust Collection) Wet Scrubber Stack, EPN 8, and the Hot Pressure Relief Vent (Flare), EPN 38, on 284 days and did not to conduct daily visible emissions observations for the Briquetter Dedusting Scrubber Stack, EPN 9, and the Hot Briquette Iron Cooling Conveyer Scrubber Stack, EPN 11, on 286 days during the time period from September 28, 2016 to December 6, 2017.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 5 — 286 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $18,750

Five quarterly events are recommended for the instances of non-compliance that occurred from September 28, 2016 to December 6, 2017.

Good Faith Efforts to Comply

25.0% — Reduction $4,687

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent achieved compliance on December 7, 2017, prior to the July 30, 2018 NOE.

Violation Subtotal $14,063

Economic Benefit (EB) for this violation

Estimated EB Amount $1,225

Statutory Limit Test

Violation Final Penalty Total $14,530

This violation Final Assessed Penalty (adjusted for limits) $14,530

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling	$1,000	28-Sep-2016	7-Dec-2017	1.19	$33	$1,192	$1,225
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs to conduct daily visible emissions observations (based on $250 per quarter, annualized). The Date Required is the first day when the visible emissions observations were not conducted and the Final Date is the compliance date.						

Approx. Cost of Compliance	$1,192	TOTAL	$1,225

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

Violation Number	11
Rule Cite(s)	30 Tex. Admin. Code §§ 106.6(c) and 106.261, Permit By Rule Registration No. 147082, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to comply with the certified emissions rate. Specifically the Respondent exceeded the certified PM2.5 emissions rate of 0.01 tpy based on any consecutive 12-month period for the 12-month periods ending from October 2017 through November 2017 for the 75,000 metric tons Grade C Hot Briquette Iron, EPN 44, resulting in 0.01 ton of unauthorized PM2.5.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 61 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended for the period of non-compliance from October 1, 2017 through November 30, 2017.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $118

Statutory Limit Test

Violation Final Penalty Total $3,874

This violation Final Assessed Penalty (adjusted for limits) $3,874

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling	$1,500	1-Oct-2017	28-Feb-2018	0.41	$31	n/a	$31
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$1,500	1-Oct-2017	30-Nov-2018	1.16	$87	n/a	$87
Notes for DELAYED costs	Estimated costs to implement measures in order to decrease the level of throughput at EPN 44 ($1,500) and to demonstrate compliance with the certified PM2.5 emissions rate for EPN 44 ($1,500). The Date Required is the initial date of non-compliance and the Final Dates are the dates of compliance.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$3,000	TOTAL	$118

Screening Date	13-Aug-2018	**Docket No.** 2018-1266-MLM-E	**PCW**
Respondent	voestalpine Texas LLC (PCW 5 of 5)		*Policy Revision 4 (April 2014)*
Case ID No.	55381		*PCW Revision March 26, 2014*
Reg. Ent. Reference No.	RN106597875		
Media	Air		
Enf. Coordinator	Carol McGrath		

V12 12

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent fugitive emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state. Specifically, on November 1, 2017, iron oxide dust was observed on the Plant's grounds and in the adjacent marsh area owned by the Port of Corpus Christi Authority, directly north of the Plant's loading dock.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $1,041

Statutory Limit Test

Violation Final Penalty Total $3,874

This violation Final Assessed Penalty (adjusted for limits) $3,874

Economic Benefit Worksheet

Respondent voestalpine Texas LLC (PCW 5 of 5)
Case ID No. 55381
Reg. Ent. Reference No. RN106597875
Media Air
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$10,000	1-Nov-2017	1-Dec-2019	2.08	$1,041	n/a	$1,041
Notes for DELAYED costs	Estimated cost to implement measures and/or procedures designed to prevent visible iron oxide and/or metallic iron fugitive emissions from process buildings or fugitive sources from leaving the property. The Date Required is the observed date of non-compliance and the Final Date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/Equipment				0.00	$0	$0	$0
Financial Assurance				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$10,000	TOTAL	$1,041

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN604261545, RN106597875, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator: CN604261545, voestalpine Texas LLC **Classification:** SATISFACTORY **Rating:** 0.63

Regulated Entity: RN106597875, LA QUINTA PLANT **Classification:** SATISFACTORY **Rating:** 0.63

Complexity Points: 17 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2800 KAY BAILEY HUTCHISON RD, SAN PATRICIO COUNTY, PORTLAND, TX 78374-7400

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344M1
AIR NEW SOURCE PERMITS PERMIT 108113
AIR NEW SOURCE PERMITS REGISTRATION 134619
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX43
AIR NEW SOURCE PERMITS REGISTRATION 150444
AIR NEW SOURCE PERMITS REGISTRATION 147082
AIR NEW SOURCE PERMITS AFS NUM 4840900240
WASTEWATER EPA ID TX0134911
WASTEWATER PERMIT WQ0005097000
AIR OPERATING PERMITS PERMIT 3903
STORMWATER PERMIT TXR05CR67
TAX RELIEF ID NUMBER 20334
TAX RELIEF ID NUMBER 20387
TAX RELIEF ID NUMBER 20390
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 97213
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000084679
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490353846
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 40074
AIR EMISSIONS INVENTORY ACCOUNT NUMBER SDA012L
POLLUTION PREVENTION PLANNING ID NUMBER P09963

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: August 13, 2018

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 13, 2013 to August 13, 2018

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Carol McGrath **Phone:** (210) 403-4063

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 18, 2013	(1134111)
Item 2	September 13, 2016	(1374639)
Item 3	October 03, 2016	(1380794)

Item 4	October 27, 2016	(1374633)
Item 5	November 01, 2016	(1386751)
Item 6	December 01, 2016	(1392873)
Item 7	December 15, 2016	(1399476)
Item 8	February 01, 2017	(1406392)
Item 9	April 03, 2017	(1419958)
Item 10	May 01, 2017	(1427598)
Item 11	May 15, 2017	(1407219)
Item 12	June 01, 2017	(1433613)
Item 13	September 01, 2017	(1452439)
Item 14	October 06, 2017	(1458302)
Item 15	November 13, 2017	(1463747)
Item 16	December 11, 2017	(1470192)
Item 17	January 19, 2018	(1476900)
Item 18	February 19, 2018	(1489032)
Item 19	March 19, 2018	(1492683)
Item 20	April 16, 2018	(1495996)
Item 21	May 03, 2018	(1502972)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

Notice of Intent Date: 05/25/2018 (1498261)
No DOV Associated

Notice of Intent Date: 05/29/2018 (1498257)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN604261545, RN106597875, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator: CN604261545, voestalpine Texas LLC **Classification:** SATISFACTORY **Rating:** 0.24

Regulated Entity: RN106597875, LA QUINTA PLANT **Classification:** SATISFACTORY **Rating:** 0.24

Complexity Points: 15 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2800 KAY BAILEY HUTCHISON ROAD, PORTLAND, SAN PATRICIO COUNTY, TEXAS 78374

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1344M1
AIR NEW SOURCE PERMITS PERMIT 108113
AIR NEW SOURCE PERMITS REGISTRATION 134619
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX43
AIR NEW SOURCE PERMITS REGISTRATION 147082
AIR NEW SOURCE PERMITS AFS NUM 4840900240
WASTEWATER EPA ID TX0134911
WASTEWATER PERMIT WQ0005097000
AIR OPERATING PERMITS PERMIT 3903
TAX RELIEF ID NUMBER 20334
TAX RELIEF ID NUMBER 20387
TAX RELIEF ID NUMBER 20390
AIR EMISSIONS INVENTORY ACCOUNT NUMBER SDA012L
TIER II ID NUMBER 74659

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: November 07, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 07, 2012 to November 07, 2017

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Carol McGrath **Phone:** (210) 403-4063

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 18, 2013	(1134111)
Item 2	September 13, 2016	(1374639)
Item 3	October 03, 2016	(1380794)
Item 4	October 27, 2016	(1374633)
Item 5	November 01, 2016	(1386751)

Item 6	December 01, 2016	(1392873)
Item 7	December 15, 2016	(1399476)
Item 8	February 01, 2017	(1406392)
Item 9	April 03, 2017	(1419958)
Item 10	May 01, 2017	(1427598)
Item 11	May 15, 2017	(1407219)
Item 12	June 01, 2017	(1433613)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 02/28/2017 (1413507)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

2 Date: 06/30/2017 (1442170)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

3 Date: 07/31/2017 (1445833)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

K. Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
VOESTALPINE TEXAS LLC	**§**	
RN106597875	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2018-1266-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding voestalpine Texas LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Michael A. Chernekoff of the law firm of Jones Walker LLP, together stipulate that:

1. The Respondent owns and operates a direct reduced iron/hot briquetting iron production plant located at 2800 Kay Bailey Hutchison Road in Portland, San Patricio County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12) and is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).

2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073 and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ.

3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

4. An administrative penalty in the amount of $658,926 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $263,571 of the penalty and $131,785 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

   Pursuant to TEX. WATER CODE § 7.067, $263,570 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of two Supplemental

Environmental Projects ("SEPs") as defined in the attached SEP Agreements ("Attachment A" and "Attachment B", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreements, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:

   a. On December 18, 2016, began sampling the cooling water for the concentration of total dissolved solids ("TDS") once a week in order to address the allegation in Section II, Paragraph No. 4.l;

   b. On December 26, 2016, began sampling the cooling water for the conductivity once a day in order to address the allegation in Section II, Paragraph No. 4.m;

   c. On May 25, 2017, began conducting quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources in order to address the allegation in Section II, Paragraph No. 4.j;

   d. By May 31, 2017, began maintaining records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems in order to address the allegation in Section II, Paragraph No. 4.k;

   e. By June 30, 2017, implemented measures and procedures in order to ensure that the baghouses for Emissions Point Numbers ("EPNs") 6 and 7D were operating properly during normal operations in order to address the allegations in Section II, Paragraph Nos. 4.e and 4.f;

f. On July 6, 2017, obtained Permit by Rule ("PBR") Registration No. 147082 to authorize the storage piles at the Plant in order to address the allegation in Section II, Paragraph No. 1.c;

g. By November 11, 2017, evaluated the stormwater system and certified that discharges of non-stormwater and non-permitted flows do not occur in order to address the allegation in Section II, Paragraph No. 4.b;

h. By November 17, 2017, provided employees with stormwater pollution prevention training in order to address the allegation in Section II, Paragraph No. 4.a;

i. On November 20, 2017, depicted the location of each outfall on the Drainage Area Site Map in order to address the allegation in Section II, Paragraph No. 4.c;

j. By November 30, 2017, demonstrated compliance with the particulate matter ("PM") annual maximum allowable emissions rate ("MAER") for EPN 6 in order to address the allegation in Section II, Paragraph No. 4.e;

k. On December 7, 2017, began conducting daily visible emissions observations of EPNs 8, 9, 11, and 38 in order to address the allegation in Section II, Paragraph No. 4.n;

l. On December 7, 2017, began conducting semiannual benchmark monitoring as required by Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR05CR67, Part IV, Section B.1(a) in order to address the allegation in Section II, Paragraph No. 4.d;

m. By December 31, 2017, demonstrated compliance with the PM annual MAER for EPN 7D in order to address the allegation in Section II, Paragraph No. 4.f;

n. By February 28, 2018, implemented measures in order to decrease the level of throughput at EPN 44 in order to address the allegation in Section II, Paragraph No. 4.o;

o. By March 31, 2018, began conducting quarterly visible emissions observations of EPNs 4A, 4B, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 16, 17, and 29 in order to address the allegation in Section II, Paragraph No. 4.i;

p. By November 30, 2018, demonstrated compliance with the certified particulate matter equal to or less than 2.5 microns in diameter ("PM2.5") emissions rate for EPN 44 in order to address the allegation in Section II, Paragraph No. 4.o;

q. On January 22, 2019, obtained a revision for PBR Registration No. 147082 to certify the revised emissions and to represent that the fugitive dust emissions from the storage piles are controlled by a water spray and/or dust suppressant spray in order to address the allegation in Section II, Paragraph No. 1.c;

r. On May 30, 2019, submitted an amendment application for New Source Review ("NSR") Permit Nos. 108113 and PSDTX1344M as required to comply with Ordering Provision No. 3.f, that includes:

i. The incorporation of PBR No. 147082 in order to address the allegation in Section II, Paragraph No. 1.c;

ii. The increase of the carbon monoxide ("CO") hourly MAER for EPN 8 in order to address the allegation in Section II, Paragraph No. 3.b;

iii. The increase of the PM, particulate matter equal to or less than 10 microns in diameter ("PM10"), and PM2.5 MAERs for EPN 29 in order to address the allegations in Section II, Paragraph Nos. 3.a and 4.g; and

iv. The amendment of the PM, PM10, and PM2.5 MAERs for EPN 33 in order to address the allegations in Section II, Paragraph Nos. 4.h, 4.l, and 4.m.

s. By June 1, 2019, removed the five non-enclosed storage piles containing iron ore pellets and has ensured that all iron ore pellets are stored in enclosed storage in order to comply with NSR Permit Nos 108113 and PSDTX1344M1 in order to address the allegation in Section II, Paragraph No. 1.b; and

t. On January 21, 2020, obtained approval for the plan (the "Plan") dated November 11, 2019 ("Attachment C", incorporated herein by reference) that identified measures taken to date, proposed upgrades and changes to equipment and work practices, incorporated best management practices, and provided schedules and plans for implementation in order to address visible iron oxide and/or metallic iron fugitive emissions from process buildings or fugitive sources from leaving the Plant, iron oxide and/or metallic iron dust from creating nuisance conditions, and the allegations in Section II, Paragraph Nos. 1.a, 2, and 4.p. The following projects have been implemented:

i. By October 31, 2016, installed and commissioned baghouses for the conveyors and transfer points involving the movement of iron ore pellets as indicated in Part II, Section 4.1 of the Plan;

ii. By May 31, 2017, began using Dust Bosses to control dust in areas where material is transferred to or from stockpiles as indicated in Part II, Sections 1.2 and 5.4 of the Plan, began using two water trucks to control dust emissions from the in-plant roads and work areas twice per shift as indicated in Part II, Sections 1.3 and 6.2 of the Plan, and began using two street sweepers to control dust emissions from the paved in-plant roads on a daily basis as indicated in Part II, Sections 1.4 and 6.3 of the Plan;

iii. By June 30, 2017, began using polymer/surfactant to control the dust emissions from the by-products stockpiles as indicated in Part II, Section 1.1 of the Plan and installed windbreaks at material transfer areas to control fugitive dust emissions as indicated in Part II, Section 4.2 of the Plan;

iv. By November 30, 2017, began Phase I for paving and curbing the in-plant roads and work areas to reduce dust emissions as indicated in Part II, Section 6.1 of the Plan;

v. By December 31, 2018, awarded the By-Products Management Improvements Project as indicated in Part II, Section 4.5 of the Plan;

vi. By April 30, 2019, began Phase II for paving and curbing the in-plant roads and work areas to reduce dust emissions as indicated in Part II, Section 6.1 of the Plan;

vii. By May 31, 2019, completed Phase I for paving and curbing the in-plant roads and work areas as indicated in Part II, Section 6.1 of the Plan;

viii. By September 30, 2019, retained an expert to conduct an assessment of possible additional measures for potential site-wide emission points as indicated in Part II, Section 7 of the Plan and began conducting weekly visible emissions observations of the process building openings and vents to reduce fugitive dust emissions as indicated in Part II, Section 3 of the Plan;

ix. By October 31, 2019, implemented weekly documentation and checklists for the Polymer/Surfactant Project as indicated in Part II, Section 1.1 of the Plan, for the Dust Bosses Project as indicated in Part II, Sections 1.2 and 5.4 of the Plan, for the Water Trucks Project as indicated in Part II, Sections 1.3 and 6.2 of the Plan, for the Street Sweepers Project as indicated in Part II, Sections 1.4 and 6.3 of the Plan, for the Conveyors Project as indicated in Part II, Section 2 of the Plan, for the Building Openings and Vents Project as indicated in Part II, Section 3 of the Plan, for the Transfer Points Project as indicated in Part II, Section 4 of the Plan, and for the Windbreaks Project as indicated in Part II, Sections 4.2 and 5.1 of the Plan;

x. By November 30, 2019, implemented standard operating procedures for the Polymer/Surfactant Project as indicated in Part II, Section 1.1 of the Plan, for the Dust Bosses Project as indicated in Part II, Sections 1.2 and 5.4 of the Plan, for the Water Trucks Project as indicated in Part II, Sections 1.3 and 6.2 of the Plan, for the Street Sweepers Project as indicated in Part II, Sections 1.4 and 6.3 of the Plan, and for the Baghouses Project as indicated in Part II, Section 4.1 of the Plan; began on-site activities for the By-Products Management Improvements Project as indicated in Part II, Section 4.5 of the Plan; and began the Conveyors Upgrade Project as indicated in Part II, Section 2 of the Plan;

xi. By December 31, 2019, completed the wind fence site-wide modeling as indicated in Part II, Sections 4.3 and 5.2 of the Plan, completed the Dry Fog Project I (Transfer Tower 24) as indicated in Part II, Sections 4.4.1 and 5.3 of the Plan, and completed the baghouse compressor upgrades as indicated in Part II, Section 4.1 of the Plan;

xii. By March 31, 2020, completed the expert assessment of the Plant as indicated in Part II, Section 7 of the Plan;

xiii. By April 30, 2020, completed the wind fence preliminary design as indicated in Part II, Sections 4.3 and 5.2 of the Plan and completed the conveyor upgrades as indicated in Part II, Section 2 of the Plan;

xiv. By October 31, 2020, completed Phase II for paving and curbing the in-plant roads and work areas as indicated in Part II, Section 6.1 of the Plan;

xv. By March 31, 2021, completed the Dry Fog Project II (Transfer Tower 23) as indicated in Part II, Sections 4.4.4 and 5.3 of the Plan and began installing the wind fence as indicated in Part II, Sections 4.3 and 5.2 of the Plan;

xvi. By October 31, 2021, completed the Dry Fog Project III (Transfer Tower 22) as indicated in Part II, Sections 4.4.3 and 5.3 of the Plan;

xvii. By October 31, 2021, completed construction and began testing the specific dust control components including the three baghouse dust collectors, covered conveyors, cladded transfer towers and storage building, wind screen around the hoppers, and wind fence around the perimeter that are involved in moving the iron oxide pellets and iron oxide fines associated with the By-Products Management Improvements Project, as indicated in Part II, Section 4.5 of the Plan;

xviii. By December 31, 2021, completed the Wind Fence Project as indicated in Part II, Sections 4.3 and 5.2 of the Plan;

xix. By March 31, 2022, completed the Dry Fog Project IV (Transfer 21), as indicated in Part II, Sections 4.4.2 and 5.3 of the Plan;

xx. By April 5, 2022, completed construction and began testing the specific dust control components including the one cyclone dust collector, covered conveyors, cladded transfer tower, and wind screen around the hoppers that are involved in moving remet and lump ore material associated with the By-Products Management Improvements Project, as indicated in Part II, Section 4.5 of the Plan; and

xxi. By April 5, 2022, began operating the specific dust control components including the three baghouse dust collectors, covered conveyors, cladded transfer towers and storage building, wind screen around the hoppers, and wind fence around the perimeter that are involved in moving the iron oxide pellets and iron oxide fines that are associated with the By-Products Management Improvements Project.

II. ALLEGATIONS

1. During an investigation conducted on from May 16, 2017 through October 16, 2017, an investigator documented that the Respondent:

   a. Failed to prevent nuisance conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, on

May 16, 2017, May 17, 2017, May 18, 2017, May 19, 2017, May 20, 2017, May 23, 2017, May 24, 2017, May 25, 2017, May 26, 2017, May 30, 2017, June 2, 2017, June 5, 2017, June 8, 2017, June 13, 2017, June 15, 2017, June 23, 2017, June 30, 2017, July 13, 2017, July 19, 2017, September 8, 2017, and October 16, 2017, TCEQ staff documented iron ore dust at 141 off-site properties. Laboratory analysis of tape-lift samples that were collected from 20 of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant.

b. Failed to store iron ore pellets in enclosed storage, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, Special Conditions ("SC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, TCEQ staff observed five non-enclosed storage piles containing iron ore pellets.

c. Failed to obtain a permit amendment prior to constructing and operating additional sources of air contaminants, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 116.116(b)(1) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a). Specifically, the Respondent did not obtain a permit amendment before operating additional non-enclosed stockpiles containing fines, clusters, chips, sludge, and remet.

2. During an investigation conducted from November 14, 2017 through January 22, 2018, an investigator documented that the Respondent failed to prevent nuisance conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, TCEQ staff documented iron ore dust nuisance conditions at three off-site properties on November 15, 2017 and December 1, 2017 and obtained citizen-collected evidence from one of the properties that documented additional dust nuisance conditions on November 9, 2017, November 16, 2017, and December 19, 2017. Laboratory analysis of tape-lift samples that were collected from two of the off-site properties indicated that the dust particles had diameters and x-ray spectra consistent with the reference samples taken from the outdoor stockpiles at the Plant.

3. During a record review conducted from November 24, 2017 through April 17, 2018, an investigator documented that the Respondent:

a. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113 and PSDTX1344M1, General Conditions ("GC") Nos. 1, 8, and 14 and SC No. 1, Federal Operating Permit ("FOP") No. O3903, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during stack testing conducted on March 8 and 9, 2017, the Respondent exceeded the PM MAER of 4.20 pounds per hour ("lbs/hr") by 13.42 lbs/hr for the Reformer Main Flue Ejector Stack, EPN 29, resulting in 139,782.72 lbs of unauthorized PM.

b. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 108113

and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, FOP No. O3903, GTC and STC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on March 15, 2017, the Respondent exceeded the CO MAER of 873.00 lbs/hr by 17.58 lbs/hr for the Furnace Dedusting Wet Scrubber Stack, EPN 8, resulting in 180,159.8 lbs of unauthorized CO.

4. During an investigation conducted from November 1, 2017 through June 14, 2018, an investigator documented that the Respondent:

   a. Failed to conduct employee training at least once per year, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.4(f)(1). Specifically, operations at the Plant began in September of 2016 but employees had not received training on the stormwater pollution prevention plan.

   b. Failed to certify that the Plant's stormwater system has been evaluated and that discharges of non-stormwater and non-permitted flows do not occur, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section B.1(c). Specifically, the stormwater pollution prevention plan certification was not available for review upon request.

   c. Failed to identify all stormwater outfalls at the Plant, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part III, Section A.3(d)(1). Specifically, the Respondent depicted one stormwater outfall on the Drainage Area Site Map, but additional outfalls were identified around the dock area and on the north side of the Plant.

   d. Failed to conduct benchmark monitoring once every six months (January through June or July through December) following permit issuance and then once each subsequent semiannual period, in violation of 30 TEX. ADMIN. CODE §§ 281.25(a)(4) and 305.125(1), 40 CFR § 122.26(c), and TPDES MSGP No. TXR05CR67, Part IV, Section B.1(a). Specifically, TPDES MSGP No. TXR05CR67 was issued on April 27, 2016, the Plant began operating in September 2016, and the Respondent had not conducted any benchmark monitoring.

   e. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 0.22 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through October 2017 for the Oxide Pellet Transfer (Post Storage) Fabric Filter Stack, EPN 6, resulting in 0.241 ton of unauthorized PM.

   f. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and

PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 0.22 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2017 for the Oxide Tower Transfer Fabric Filter Stack, EPN 7D, resulting in 0.0022 ton of unauthorized PM.

g. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specially, the Respondent exceeded the PM, PM10, and the PM2.5 MAERs of 18.39 tpy based on a 12-month rolling period for the 12-month periods ending from March 2017 through November 2017 for the Reformer Main Flue Ejector Stack, EPN 29, resulting in 55.68 tons of unauthorized PM.

h. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), NSR Permit Nos. 108113 and PSDTX1344M1, GC Nos. 1, 8, and 14 and SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 11.44 tpy based on a 12-month rolling period and the PM10 and PM2.5 MAERs of 0.34 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through November 2017 for the Salt Water Cooling Tower, EPN 33, resulting in 4.42 tons of unauthorized PM.

i. Failed to conduct quarterly visible emissions observations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct quarterly visible emissions observations for 13 EPNs from the second quarter of 2016 through the third quarter of 2017.

j. Failed to conduct quarterly visible emissions observations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct quarterly fugitive visible emissions observations of the process buildings and/or fugitive sources for the second, third, and fourth quarters of 2016 and the first quarter of 2017.

k. Failed to maintain records for the quarterly inspections, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 42D, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain records for the quarterly inspections of the hoods and ductwork for the emission capture and control systems in the third and fourth quarters of 2016.

l. Failed to sample the cooling water for the concentration of TDS once a week, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not sample the cooling water TDS

concentrations for the Salt Water Cooling Tower, EPN 33, for 11 weeks from September 26, 2016 through December 11, 2016.

m. Failed to sample the cooling water once a day for conductivity or monitor the cooling water continuously for conductivity, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 25A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not sample and analyze the cooling water conductivity for the Salt Water Cooling Tower, EPN 33, on 34 days: October 1, 2016, October 5 through 10, 2016, October 12 through 24, 2016, October 26 through 31, 2016, November 6, 2016, November 13, 2016, November 20, 2016, November 27, 2016, December 4, 2016, December 11, 2016, December 18, 2016, and December 25, 2016.

n. Failed to conduct daily visible emissions observations for the wet scrubbers, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 30, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct daily visible emissions observations for the Furnace Dedusting (BSG Dust Collection) Wet Scrubber Stack, EPN 8, and the Hot Pressure Relief Vent (Flare), EPN 38, on 284 days and did not to conduct daily visible emissions observations for the Briquetter Dedusting Scrubber Stack, EPN 9, and the Hot Iron Briquette Cooling Conveyer Scrubber Stack, EPN 11, on 286 days during the time period from September 28, 2016 to December 6, 2017.

o. Failed to comply with the certified emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, PBR Registration No. 147082, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the certified PM2.5 emissions rate of 0.01 tpy based on any consecutive 12-month period for the 12-month periods ending from October 2017 through November 2017 for the 75,000 metric tons Grade C Hot Briquette Iron, EPN 44, resulting in 0.01 ton of unauthorized PM2.5.

p. Failed to prevent fugitive emissions from leaving the property from process buildings or fugitive sources resulting in the unauthorized discharge of industrial waste into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), NSR Permit Nos. 108113 and PSDTX1344M1, SC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on November 1, 2017, iron oxide dust was observed on the Plant's grounds and in the adjacent marsh area owned by the Port of Corpus Christi Authority, directly north of the Plant's loading dock.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: voestalpine Texas LLC, Docket No. 2018-1266-MLM-E" to:

   Financial Administration Division, Revenue Operations Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. The Respondent shall implement and complete two SEPs as set forth in Section I, Paragraph No. 4. The amount of $263,570 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEPs pursuant to the terms of the SEP Agreements, as defined in Attachment A and Attachment B. Penalty payments for any portion of the SEPs deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements:

   a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;

   b. By May 31, 2022, begin operating the specific dust control components including the one cyclone dust collector, covered conveyors, cladded transfer tower, and wind screen around the hoppers that are involved in moving remet and lump ore material that are associated with the By-Products Management Improvements Project, as indicated in Part II, Section 4.5 of the Plan;

   c. By June 15, 2022, submit written certification to demonstrate compliance with Ordering Provision No. 3.b, as described in Ordering Provision No. 3.f;

   d. By December 31, 2022, complete Dry Fog Project V (Reclaimer 01) as indicated in Part II, Section 4.4.5 of the Plan;

   e. By January 15, 2023, submit written certification to demonstrate compliance with Ordering Provision No. 3.d, as described in Ordering Provision No. 3.f; and

   f. Within 360 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit Nos. 108113 and PSDTX1344M1 has been obtained or that the operation has ceased until such time that appropriate

authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

> Order Compliance Team
> Enforcement Division, MC 149A
> Texas Commission on Environmental Quality
> P.O. Box 13087
> Austin, Texas 78711-3087

with a copy to:

> Air Section Manager
> Corpus Christi Regional Office
> Texas Commission on Environmental Quality
> 6300 Ocean Drive, Suite 1200
> Corpus Christi, Texas 78412-5839

4. All relief not expressly granted in this Order is denied.

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.

6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination

of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	5/2/2022 Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

DocuSigned by: DocuSigned by: Uwe Leopold Michael Spitz 90D0F2C064BD4BA... 3F72D38D59B54EC... Signature	April 29, 2022 Date
Uwe Leopold / Michael Spitz Name (Printed or typed) Authorized Representative of voestalpine Texas LLC	Chief Executive Officer / Chief Technical Officer Title

☐ *If mailing address has changed, please check this box and provide the new address below:*

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A

Docket Number: 2018-1266-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**voestalpine Texas LLC**
Payable Penalty Amount:	**$527,141**
SEP Offset Amount:	**$131,785**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Texas Congress of Parents and Teachers dba Texas PTA**
Project Name:	***Texas PTA Clean School Bus Replacement Program***
Location of SEP:	**Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for San Patricio County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA
408 West 11th Street
Austin, Texas 78701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment B

Docket Number: 2018-1266-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**voestalpine Texas LLC**
Payable Penalty Amount:	**$527,141**
SEP Offset Amount:	**$131,785**
Type of SEP:	**Contribution to a Third-Party Administrator SEP**
Third-Party Administrator:	**Texas Natural Gas Foundation**
Project Name:	***High Emission Vehicle Replacement Project***
Location of SEP:	**Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for San Patricio County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above, **Texas Natural Gas Foundation,** for the *High Emission Vehicle Replacement Project* (the "Project"). The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides ("NOx") and particulate matter ("PM"), as well as other harmful pollutants such as volatile organic compounds ("VOCs") and carbon monoxide ("CO"). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled

vehicles. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director, be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This Project will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate several respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NOx by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NOx by 98%, VOCs by 83%; and PM by 99%.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Natural Gas Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Natural Gas Foundation
Attention: Heather Ball, Executive Director
2315 Newfield Lane
Austin, Texas 78703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event the Executive Director determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the Executive Director, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment C

Docket Number: 2018-1266-MLM-E

Plan Dated November 11, 2019

voestalpine Texas LLC, Submission Plan for TCEQ

Table of Contents:

I. Introduction

voestalpine Texas LLC (VATX or voestalpine) submits this Plan pursuant to the Agreed Order, Docket No. 2018-1266-MLM-E. This Plan identifies and describes measures taken to date, and proposed upgrades and changes to equipment and work practices designed to mitigate against the creation of fugitive sources of iron oxide and/or metallic iron dust from potentially creating nuisance conditions.

Notably, most of the measures taken to date are ongoing practices that have substantially mitigated against the creation of dust within the facility and are intended to continue to mitigate against the creation of dust moving forward. These practices include substantial changes to the training policies employed by voestalpine personnel, the purchase and implementation of additional dust mitigation equipment, and the development of additional standard operating procedures.

Additional future measures, such as "dry fog" and wind fencing, are in the process of being tested, scaled, and investigated for inclusion at the facility. Specifically, with regard to "dry fog," voestalpine hopes to incorporate it into other locations where it can be used to further mitigate against the creation of dust. Further, voestalpine is in the process of a significant capital project, the By-Products Management Project, that we believe will substantially mitigate against creation of fugitive dust while also improving operational efficiency and reliability, which, in turn, will reduce current outdoor stockpiles of HBI, remet, and iron ore fines and chips on site.

This plant is a major new industrial facility that is the first of its kind. It operates under permits issued by TCEQ.

As background, the facility first began operations in October 2016. Full-scale production was reached in December 2016.

This facility processes iron ore pellets into HBI briquettes using a direct reduction process. During the initial startup period, voestalpine had numerous start-up and shut-down events while commissioning the new equipment and optimizing performance of the equipment. Each such event required voestalpine to remove from its production tower the incompletely processed materials that ranged from initially-processed iron ore pellets to partially reduced and processed pellets to off-spec briquettes (referred to as remet, fines, chips and briquettes). This material was placed into piles on the facility. All of this material was capable of being reintroduced into the process and was intended to be reutilized or sold.

In April 2017, voestalpine initiated a temporary operation intended to reduce and eventually eliminate the piles of fines, chips, and remet. voestalpine contracted to have this material run through an industrial "sorter" or "screener" to separate fines, pellets, and briquettes for further use or sales. It was only after about 3-4 weeks into this temporary operation that voestalpine first learned of complaints by neighbors of "black dust" reaching their homes. Notably, for the first 8 months of its operations, voestalpine had not received any complaints relating to dust due to its operations, including throughout the startup period.

voestalpine initiated an immediate investigation to the neighbors' complaints. Upon investigating the complaints, voestalpine made an initial assessment and immediately halted the temporary "screening" operation. It also cooperated with TCEQ's investigation of the neighbors' complaints and initiated its own study of the operations at the facility, including setting up a team to develop additional measures intended to address the neighbors' complaints and to mitigate against further dust creation on site. A number of measures, described herein, were promptly incorporated into the facility and its operations, and those measures continue to be employed to this

date. voestalpine also initiated community outreach efforts and notified the public that it would provide vouchers for car washings and would send professional house washers to homes where neighbors had notified voestalpine that they may have been impacted by dust from voestalpine. All of these services and vouchers were at no cost to any neighbor, and neighbors were not asked or required to release any claims or rights relative to voestalpine. Those outreach programs continue to be available to interested neighbors who contact voestalpine.

This Plan addresses seven specific categories of operations and equipment as having the potential to emit iron oxide and/or metallic iron dust that potentially may create nuisance conditions offsite. It outlines the specific dust mitigation measures that have been or will be implemented for each of these operations or potential dust sources and states the timeline and approximate costs for implementation. Section III of this Plan contains a complete list of milestones regarding implementation. Finally, as seen from this Plan, voestalpine conducted an internal comprehensive, plant-wide review to identify potential dust sources and mitigate any iron oxide and/or metallic iron dust that may be emitted, and is committed to working with external consultants to identify any other potential dust sources.

II. Potential Fugitive Emission Sources

This Plan identifies and describes measures taken to date, and proposed upgrades and changes to equipment and work practices designed to mitigate against the creation of fugitive sources of iron oxide and/or metallic iron dust from potentially creating nuisance conditions.

Measures taken to date:

- Polymer surfactant
  - Purchased – June 2017
  - Operating – Daily
  - Dates – Ongoing project
  - Section – 1.1
- Dust bosses
  - Purchased – May 2017
  - Operating – Daily
  - Dates – Ongoing project
  - Section – 1.2, 5.4
- Water trucks
  - Purchased – May 2017
  - Operating – Daily
  - Dates – Ongoing project
  - Section – 1.3, 5.6
- Street sweepers
  - Purchased – May 2017
  - Operating – Daily
  - Dates – Ongoing project
  - Section – 1.4, 5.7
- Wind breaks
  - Purchased – June 2017
  - Operating – Daily
  - Dates – Ongoing project
  - Section – 4.2

Changes to equipment and work practices:

- Standard Operating Procedures
  - Hydro Mulcher (polymer application) - MH-SOP-0022 and EN-FOR-1000
  - Dust Boss - MH-SOP-0023
  - Water Truck – MH-SOP-0020
  - Street Sweeper - MH-SOP-0021
  - Bag Houses – EN-FOR-1010

- Improved daily checklists
  - Polymer Surfactant application, Dust Bosses, Water Trucks, Street Sweepers, Wind Breaks, Conveyors, Building Openings and Vents, Bag Houses and Windbreaks.

- Improved maintenance practices

  - Bag Houses, Conveyors and Building Openings and Vents

- Improved documentation of corrective actions
  - Bag Houses, Conveyors and Building Openings and Vents

Proposed upgrades:
- Dry Fog
- Wind fence
- Third Party investigation of site-wide emissions points.

The following Plan will describe the measures taken to date, the changes to equipment and work practices, as well as the proposed upgrades and changes voestalpine has implemented to control fugitive dust emissions.

1. Stockpiles

As a consequence of startup operations, voestalpine began accumulating by-products of production, including iron oxide fines, HBI fines, sludges and remet. These by-products can either be reused or sold; more by-products were produced than anticipated however. Thus, these byproducts had to be stored and voestalpine created out-door storage piles of these byproducts. Initially, given the belief that these piles were to exist only short term, other than good operational practices, specific dust controls were not initially implemented on these piles. Also, given the nature of the materials being stored, and the size of the piles, conventional dust control measures like tarping or watering, were not feasible. After receiving complaints from neighbors regarding dust, and after discussions with TCEQ, voestalpine implemented various dust countermeasures for the storage piles, as described within the following subsections, and also made Permit by Rule submissions to TCEQ to address the management of the storage piles on a more long-term basis.

1.1 Polymer/Surfactant

Description

Dry, windy conditions at the voestalpine site have the potential to cause increased dust emissions from the by-products stockpiles. Use of water to reduce potential emissions or covering piles with tarps were found to be ineffective. Water may cause an exothermic reaction within the HBI and remet stockpiles; tarps were not commercially available at the sizes and materials necessary to cover the oxide fines stockpiles effectively. Based on research completed by voestalpine, one of the solutions that was selected to reduce potential fugitive emissions from the by-products stockpiles was to create a temporary seal on the piles by applying a polymer/surfactant mixture to the surface. The product selected was a mixture of a Soilworks copolymer (trade-named – “Gorilla Snot”), hydromulch, and a color additive.

The Soilworks product is an eco-safe, biodegradable, liquid copolymer used to provide dust suppression. A modest application will create a light surface crust that remains water permeable for air and water, yet very effective for controlling dust and suppressing TSP, PM10 and PM2.5 particulate matter. The hydromulch was incorporated into the mixture to act as an additional binding agent to help the polymer/surfactant adhere to the by-products stockpiles. The Soilworks spray is naturally colorless; however, voestalpine added a green dye, to allow others to readily identify the treated by-products stockpiles.

Figure 1.1.1: Soil Works – "Gorilla Snot"

Implementation

voestalpine's Material Handling Department is responsible for applying the polymer/surfactant to the by-product piles. The polymer/surfactant is applied to the by-products stockpile with a 1000-gallon Bowie Hydromulcher. The standard operating procedure for applying the Polymer/Surfactant is SOP MH-SOP-0022. The by-product stockpiles and polymer/surfactant are maintained on a daily basis, and the status of each stockpile is recorded on daily round sheets. The status of the stockpiles is also discussed in daily operational meetings, during which any concerns or unusual operating issues can be addressed.

Figure 1.1.2: 1000-Gallon Bowie Hydromulcher

Figure 1.1.3: Untreated By-Product Stockpile

Figure 1.1.4: Polymer/Surfactant Treated By-Products Stockpile

Timeline/milestones

Project start - June 2017
Project completion – Ongoing
SOP: MH-SOP-0022

- Any new, TCEQ-approved piles will be treated within 5 workings days, with the target goal being treatment the day after creation is complete, weather and equipment permitting. If the pile is not treated the day after creation is complete, documentation will be created and filed stating reason.
  - This will be documented in the developed documentation and checklist mentioned below.
- Working piles will be treated within 5 working days after work is complete, weather and equipment permitting. In the event piles are not treated within 5 working days after completion of activity, a document will be created and filed stating reason.
  - This will be documented in the developed documentation and checklist mentioned below.
- Tracking of all treated piles is done as per daily visual observations (form EN-FOR-1000-00).

Development of weekly documentation and checklist. – Implementation October 31, 2019.

Cost

Initial Investment: $1.5M
Ongoing expenses: $30,000 / month

1.2 Dust Bosses

Description

The polymer/surfactant described in the previous section was determined to be most effective for standing or stagnant stockpiles. However, when material is transferred to or from the piles, the seal provided by the polymer/surfactant coating is disrupted. To provide a level of dust control in areas where material was being transferred to or from piles, voestalpine rented and ultimately purchased water-misting systems, called “Dust Bosses”. The Dust Bosses were selected as a viable option to help mitigate the fugitive dust emission at these areas. The Dust Bosses are powerful dust-suppression water cannons that have the capability of dispersing a water mist up to 100 meters in elevation and covering an area of up to 31,000 sq. meters.

Figure 1.2.1: Dust Boss DB-60

Implementation

voestalpine has purchased eight Dust Bosses and strategically utilizes them throughout the facility at locations where material is being transferred to or from piles or where material is being moved. Figure 1.2.2 shows a general representation of where the Dust Bosses are commonly used. voestalpine has installed permanent electrical and water connection points for Dust Bosses at the eight locations depicted on Figure 1.2.2. However, the Dust Bosses are portable and can be repositioned to areas of high work activity when appropriate. In addition, because of the portability and flexibility of these units, voestalpine can rent or purchase additional units as-needed, based on the work demands. These units are used as stated in SOP MH-SOP-0023.

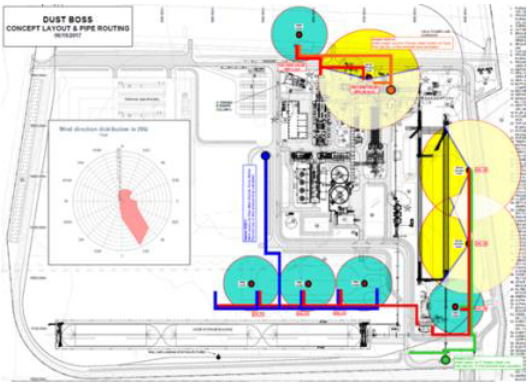


Figure 1.2.2: Common Dust Boss Locations

Figure 1.2.3: Dust Boss in Operation

Timeline/milestones

Project start – May 2017
Project completion – Ongoing
SOP: MH-SOP-0023

- Assigned locations for equipment during material handling operations – daily visual checks on equipment are performed before start of each shift.
  - This will be documented in the developed documentation and checklist mentioned below.
- After daily assessment of additional material handling locations, extra dust boss locations are assigned as appropriate.
  - This will be documented in the developed documentation and checklist mentioned below.

Development of weekly documentation and checklist – Implementation October 31, 2019.

Cost
Initial Investment: $2M
Ongoing Expense: $16,000/ month

1.3 Water Trucks

Description
After initial startup, voestalpine began a program to expand the paving and curbing of plant roadways that were not already paved as part of the original plant installation. The unpaved roads consisted of compacted gravel and, consequently, during periods of dry, windy weather, created potentially dusty conditions as traffic moved throughout the plant. Therefore, voestalpine initially rented and later purchased two Ford F750 Water Trucks (2000-2999 Gal.) that were predominantly used on the gravel roads at first, and later transitioned to watering the regular paved roads as well as areas around the by-products stockpiles throughout the facility.

Figure 1.3.1: Ford F750 Water Truck- 2000-2999 Gal.

Implementation
Water trucks are available at voestalpine's site on a 24/7 basis. Two team members per shift are designated to provide the street watering application process that is described in MH-SOP-0020. The areas around the working stockpiles are sprayed down day and night as needed to minimize fugitive dust emissions.

Timeline/milestones
Project start – May 2017
Project completion – Ongoing
SOP: MH-SOP-0020

- Establish daily material handling operations and plan the route
  - This will be documented in the developed documentation and checklist mentioned below.
- Monitor weather conditions (wind direction and speed) to establish how many hours of operations per vehicle
  - This will be documented in the developed documentation and checklist mentioned below.
- Priority decided by evaluating the traffic and the locations with the most operations that day – recorded daily
  - This will be documented in the developed documentation and checklist mentioned below.

Development of weekly documentation and checklist (documenting water truck routes) – Implementation October 31, 2019.

Cost
Initial Investment: $120,000
Ongoing Expense: $50,000/month

1.4 Street Sweepers

Description
Soil and other debris can be tracked onto paved roads by heavy equipment working the by-product stockpiles. This dirt and debris is then driven over by traffic in the plant and when combined with unfavorable environmental conditions (e.g., strong SSE winds), could create a potential fugitive dust emission.

To minimize the debris from the road and decrease the potential for fugitive emissions caused by heavy traffic, voestalpine uses street sweeping equipment on the plant roads on a daily basis.

Implementation
Street sweepers are available at voestalpine's site on a 24/7 basis. Two team members per shift are designated to provide the street sweeping application process that is described in SOP MH-SOP-0021.

Figure 1.4.1: TYMCO Model DST-6, Regenerative Air-Sweeper

Timeline/milestones
Project start – May 2017
Project completion – Ongoing
SOP: MH-SOP-0021

- Establish daily material handling operations and plan the route
  - This will be documented in the developed documentation and checklist mentioned below.
- Monitor weather conditions (wind direction and speed) to establish how many hours of operations per vehicle
  - This will be documented in the developed documentation and checklist mentioned below.
- Priority decided by evaluating the traffic and the locations with the most operations that day – recorded daily.
  - This will be documented in the developed documentation and checklist mentioned below.

Development of weekly documentation and checklist (documenting street sweeper routes) – Implementation October 31, 2019.

Cost

Initial Investment: $612,000
Ongoing Expense: $28,000/month

2. Conveyors

Description

voestalpine uses a series of conveyors to transport raw feedstock, final product, and off-spec materials throughout the facility. These conveyors are equipped with covers to minimize the impact of wind and rain on the material and to minimize fugitive dust emissions. Conveyors are covered, except for areas where personnel or equipment access is required.

The conveyors require routine maintenance and repair. After maintenance or repair on the conveyor system is performed, immediate replacement of the covers is a high priority. The Maintenance Department is reviewing improved designs for the conveyor covers that would enable the operators to remove and re-install the conveyors covers more efficiently.

Implementation

voestalpine conducts periodic observations to detect missing covers (e.g., missing or damaged covers). When covers are observed to be missing, voestalpine will replace these covers within 3 working day, all exceptions will be documented.

After engineering of the improved covers is completed, an implementation scope will be created and the improved conveyor covers will be installed.

Improved Covers Timeline/milestones

Project start – November 2019
Project completion – April 2020

Development of weekly documentation and checklist (visual check of all covers being in place) – Implementation October 31, 2019.

Cost

Initial Investment: $50,000
Ongoing Expense: TBD

3. Building Opening and Vents

Description
Process buildings have the potential to be fugitive dust emission points.

Implementation
voestalpine will develop a weekly visible emission observation (VEO) procedure that will cover all the process buildings and vents. The VEO procedure will cover a site-wide walkthrough to inspect for missing cladding or inoperable vents that could potentially result in fugitive dust emissions.

If fugitive emissions are observed, voestalpine will address these issues promptly. All exceptions and corrective actions will be documented.

Timeline/milestones
Project start – September 30, 2019
Project completion – Ongoing

Development of weekly documentation and checklist – Implementation October 31, 2019.

4. Transfer Points

There are various transfer points at voestalpine's facility that have potential to cause fugitive dust emissions. Several initiatives have been implemented to address these possible problem areas, and voestalpine is currently researching additional solutions.

4.1 Bag Houses

Description

voestalpine uses baghouses in its daily operation to capture potential fugitive dust emissions associated with iron ore pellets being conveyed to the process areas. The baghouses are located at conveyors and transfer points involving the movement of these iron ore pellets where the risk of fugitive dust emissions is the highest.

Implementation

The Material Handling Department uses a daily round sheet to check and monitor baghouses; there is also a bag house inspection form (EN-FOR-1010-00) that is filled out daily. The findings of the daily inspections are reported in the morning meeting to the foremen and the management.

The Maintenance Department has an electronic log in SAP that sends out automatic maintenance reminders when any of the baghouses are in need of preventive maintenance. Measurement of Delta P for the baghouses is done in the main plant control system. After operations receives an alarm, the maintenance department is promptly contacted and the problem is accessed. There is a log of all maintenance recorded in SAP. All exceptions and corrective actions will be documented. An automatic environmental report showing any deviations is documented and recorded by the plant system on a daily basis.

Timeline/milestones

Project start – October 2016 (commissioning)
Project completion – Ongoing

- Recently an investment has been made to upgrade the baghouse compressors. The new compressors are better suited for the local environment and will ensure increased reliability of all the baghouses throughout the whole facility. Estimated Completion Date: December 31, 2019

Development of weekly documentation and checklist – Implementation October 31, 2019.

Cost

Spending to date: $156,000
Estimated future spending: TBD

4.2 Windbreaks

Description

Throughout the voestalpine facility, there are material transfer areas that can potentially generate fugitive dust emissions. In some of these areas, voestalpine is using the Dust Bosses, as described in Section 1.2, to suppress fugitive emissions. However, in some areas where the Dust Bosses are used, but additional countermeasures would also be helpful, temporary windbreaks—constructed out of a combination of scaffolding, tarps, and/or plywood—have been installed as an additional effective dust-reduction measure. The windbreaks are built around transfer points where the dust can accumulate and then, in unfavorable environmental conditions (e.g., strong SSE winds), could spread further. Although the use of windbreaks may continue at certain locations at the facility, voestalpine is currently evaluating the installation of engineered wind fencing to replace the existing windbreaks. These engineered structures are discussed in more detail in Section 4.3.

Figure 4.2.1: Windbreak, Dust Boss, and Water Truck at the Truck-Loading Station

Figure 4.2.2: Windbreak at Screener

Implementation

With assistance from a scaffolding contractor, voestalpine has built several windbreaks throughout the plant. The main areas that have windbreaks are the following: material transfer points: TT21, TT22, TT23, and the truck-loading station.

Figure 4.2.3: Windbreak at TT22

Figure 4.2.4: Windbreak at Hopper B26

Timeline/milestones

Project start – June 2017
Project completion – Ongoing

- Used at assigned locations based on operational activities and the recommendation of the department head – daily visual checks on equipment are performed before start of the shift and followed up, as needed, on missing or damaged equipment.

Development of weekly documentation and checklist (documentation of locations and conditions of each wind break). Wind breaks will be removed after wind fence installation is complete. – Implementation October 31, 2019.

Cost

Initial Investment: $105,000
Ongoing Expense: $6,000 / month

4.3 Wind Fence

Description

To help reduce the effect of dry, windy conditions on the generation of potential fugitive dust emissions from various material transfer points throughout the facility, voestalpine is investigating the installation of engineered wind fencing in key areas. During the initial investigation, voestalpine consulted with various companies and reviewed the performance of their wind fencing installations. This review resulted in a conclusion that wind fencing installed in strategic locations around certain facility operations could reduce overall plant fugitive emissions. voestalpine has also spoken with Dust Solutions Inc. (DSI) in regards to the Wind Tamer, their wind fencing material. DSI has expressed to voestalpine that the wind fence will lower wind velocities downwind of the fence locations, therefore reducing wind speeds and reducing the amount of airborne particulate that is created from material handling operations (e.g., stockpiles and transfer points).

Figure 4.3.1 – Potential Wind Fence Location Shown in Red

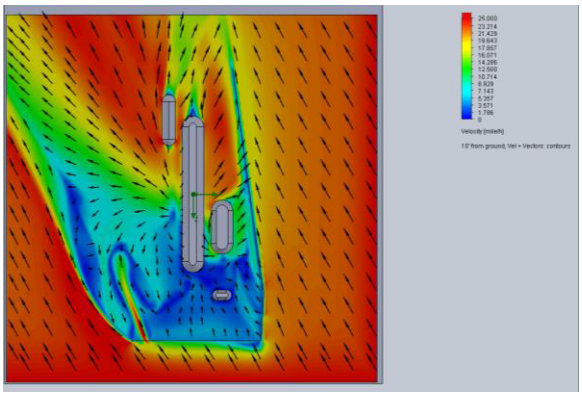


Figure 4.3.2 – Preliminary Modeling Results

Implementation

Prior to making a final determination as to whether wind fencing is a cost-effective option, voestalpine will engage DSI to produce a site-wide model to illustrate how the various structures throughout the facility affect wind patterns and wind velocity. The site-wide modeling will ensure that voestalpine is presented with the most efficient and effective wind fence installation locations. The model will include all major structures and conveyors in the plant,

giving voestalpine an effective estimate of the effects the wind fence will have on the facility. Figure 4.2.2 shows a first run of the model. Site-wide modeling of the entire facility is currently in progress.

Timeline/milestones

Modeling – December 31, 2019 – Decision on fence placement will be documented
Wind Fence Installation at Selected Locations – December 31, 2021

Cost

Estimated project cost: $4M

4.4 Dry fog

Description

Potential dust generated downstream of the direct-reduction process is reactive with oxygen (Refer to Section 1 for detailed explanation of oxidation reaction). Because of this, traditional bag houses cannot be used in the material handling of the HBI materials (potentially creating black metallic dust). voestalpine has consulted with Dust Solutions Inc. (DSI) and determined the best solution to help mitigate the potential fugitive metallic dust emissions in these areas is to use their Dry Fog product. DSI has stated that Dry Fog is a manufactured fog made through air-atomizing nozzles that create water droplets between 1 and 10 microns. These small droplets impact and agglomerate to airborne PM10 particles. The slightly wetted dust particles become heavy enough to be removed from the air and fall back into the process.

Implementation

voestalpine has identified several key areas through the facility to incorporate the Dry Fog systems. These areas include Reclaimer 01, Transfer Tower 21, Transfer Tower 22, Transfer Tower 23, and Transfer Tower 24. voestalpine has currently begun Dry Fog implementation at Transfer Tower 24. This location has provided valuable operational experience that will be used to design the remaining dry-fog installations at other locations on the site. The following sections are the additional Dry-Fog projects where voestalpine intends to employ the Dry-Fog technology. voestalpine Texas will install the Dry Fog in these locations, assuming they are determined to be technically feasible and cost-effective for Dry Fog use. These five projects will be sequentially, each taking approximately 9 months. Below are the milestone dates for the specific five Dry-Fog Projects.

Figure 4.4.1 – RCL01, TT21, TT22, and TT23

Figure 4.4.1 – TT24 at voestalpine's Dock

Timeline/milestones and Costs

- Project I: Completion: December 31, 2019
- Project II: Completion: September 30, 2020
- Project III: Completion: July 31, 2021
- Project IV: Completion: December 31, 2021
- Project V: Completion: June 30, 2022

4.4.1 Transfer Tower 24

Implementation

Transfer Tower 24 (TT24) is a material transfer tower that accepts material from BC24. The material is then transferred to Belt Conveyor 25 (BC25). voestalpine has installed a Dry Fog system in the upper and lower transfer points of the tower. In addition to installing the Dry Fog system, voestalpine is also in the process of making improvements to the lower transfer point to ensure the Dry Fog produces the most effective results. The knowledge gained from these improvements will be incorporated into the installation of the remaining areas.

Figure 4.3.5.1 – TT24 Upper Transfer Point

Figure 4.3.4.2 – TT24 Lower Transfer Point

Cost

Project Spending: $300k

4.4.2 Transfer Tower 21

Implementation

Transfer Tower 21 (TT21) is an HBI screening station with two discharge chutes. TT21 discharges to Belt Conveyor 22 (BC22) and to Belt Conveyor 23 (BC23). This process creates the potential for fugitive metallic dust emissions. To help reduce these potential emissions, voestalpine intends to install a Dry Fog system on each of the transfer points.

Figure 4.4.2.1 – BC22 Transfer Point at TT21

Figure 4.4.2.1 – BC23 Transfer Point at TT21

Cost

Expected Future Spending: $300k

4.4.3 Transfer Tower 22

Implementation

Transfer Tower 22 (TT22) is a material transfer tower that accepts the rejected screenings from TT21. This process has the potential to create fugitive metallic dust emissions. To help reduce these emissions, voestalpine intends install a Dry Fog system in the upper and lower transfer points of the tower.

Figure 4.4.3.1 – TT22 Upper Transfer Point

Figure 4.4.2.1 – TT22 Lower Transfer Point

Cost

Expected Spending: $300k

4.4.4 Transfer Tower 23

Implementation

Transfer Tower 23 (TT23) is a material transfer tower that accepts the screened product from TT21. The material is then transferred to Belt Conveyor 24 (BC24). This process has the potential to create fugitive metallic dust

emissions. To help reduce these emissions, voestalpine Texas intends to install a Dry Fog system in the upper and lower transfer points of the tower.

Figure 4.4.4.1 – TT23 Lower Transfer Point

Figure 4.4.4.2 – TT23 Upper Transfer Point

Cost

Expected Spending: $400k

4.4.5 Reclaimer 01

Implementation

Reclaimer 01 (RCL01) is a traveling reclaimer that loads HBI from the HBI stockpile to the conveyor system. This process has the potential to create fugitive metallic dust emissions. voestalpine intends to install a Dry Fog system on the bucket wheel area as well as the lower material transfer area.

Figure 4.4.5.1 – RCL01 Bucket Wheel

Figure 4.4.5.2 – RCL01 Lower Material Transfer

Cost

Expected Spending: $600k

4.5 By-Product Management Improvements

Description

voestalpine initiated a project to implement better methods to separate, store, handle, and re-use by-products and lump ore. The by-products are created during the production of HBI and include items such as oxide fines, oxide chips, and remet. Lump ore is a purchased feed material used in HBI production. A description of the project was prepared and sent out for competitive bids. Some of the main project goals were to minimize potential dust emissions from the project, reduce front-end loader traffic, provide dust collection points in each new transfer tower, ensure all new conveyors are completely covered, and install a wind fence near the area of new construction.

Implementation

Through the competitive bid process, Bedeschi America was chosen to complete the project on a lump-sum basis. The package provided by Bedeschi will include the following items:

- 2 Transfer towers
- 1 Oxide screening tower
- 1 Lump ore and remet screening and storage tower
- 1 Oxide chips storage tower
- 1 Enclosed storage area for oxide fines (0-3mm)
- 1 Enclosed storage area for oxide chips (3-6.3mm)
- Numerous conveyor belts
- 3 Material loading hoppers

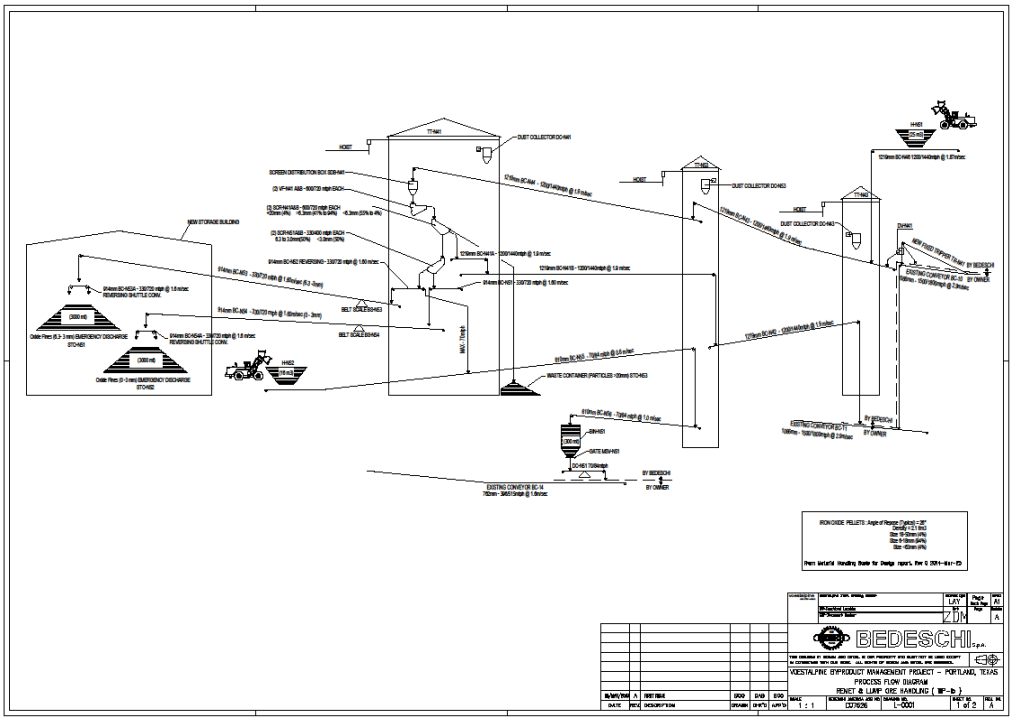


Figure 4.5.1 – By-Products Workflow

As part of the project, Bedeschi will provide all transfer towers fully cladded. Each transfer tower will house a dust collection system. Each material-loading hopper will be equipped with local wind fencing attached to the top loading area of the hopper. The entire oxide handling area will be encircled with wind fencing. Two screening areas will be provided, one to handle oxide fines and the other to handle lump ore and remet. Both screening stations will be fully housed inside a fully cladded tower, with a dust collection system. The addition of an oxide screening station, in combination with the current oxide screeners under the day bins, will likely eliminate the fines from the material flow. This should reduce the fines emissions from transfer towers downstream. The reduction of fines will impact locations such as TT13, where voestalpine currently utilizes material handling equipment to remove fines. Also, all conveyor belts will be fully covered. Two storage locations for fines and chips will be provided. These areas will be partially surrounded by three concrete walls and a roof.

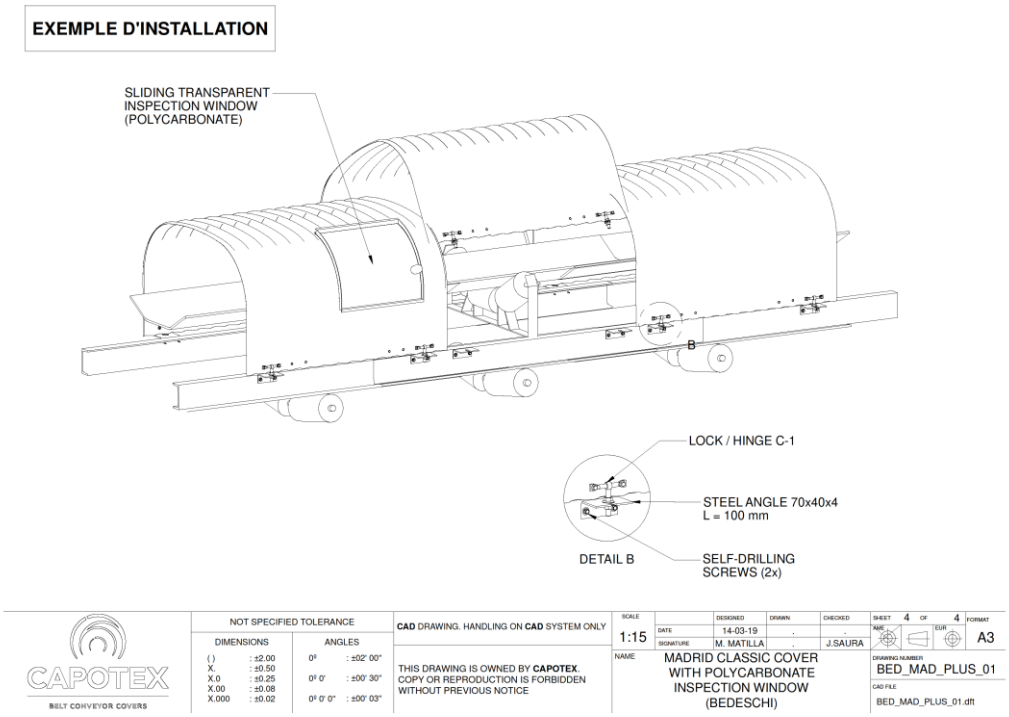


Figure 4.5.2 – By-Products Covered Conveyors

Timeline/milestones

Project awarded – December 2018
Scheduled system turnover to voestalpine – February 28, 2021

Cost

Estimated Project Cost: $44.7M

5. Loading and Unloading Areas

All loading and unloading areas have the potential to create fugitive dust emissions. Therefore, voestalpine has implemented many of the emission reduction methods discussed above to reduce potential emissions from these areas. Additional, ongoing controls for these areas are described in more detail below.

5.1 Windbreaks

Description

Throughout the voestalpine facility, there are material transfer areas that can potentially generate fugitive dust emissions. In some of these areas, voestalpine is using the Dust Bosses, as described in the Section 1.2, to suppress fugitive emissions. However, in some areas where the Dust Bosses are used, but additional countermeasures would also be helpful, temporary windbreaks—constructed out of a combination of scaffolding, tarps, and/or plywood—have been installed as an additional effective dust-reduction measure. The windbreaks are built around transfer points where the dust can accumulate and then, in unfavorable environmental conditions (e.g., strong SSE winds), could spread further. Although the use of windbreaks may continue at certain locations at the facility, voestalpine is currently evaluating the installation of engineered wind fencing to replace the existing windbreaks. These engineered structures are discussed in more detail in Section 5.2.

Figure 5.1.1: Windbreak, Dust Boss, and Water Truck at the Truck-Loading Station

Figure 5.1.2: Windbreak at Screener

Implementation

With assistance from a scaffolding contractor, voestalpine has built several windbreaks throughout the plant. The main areas that have windbreaks are the following: material transfer points: TT21, TT22, TT23, and the truck-loading station.

Figure 5.1.3: Windbreak at TT22 Figure 5.1.4: Windbreak at Hopper B26

Timeline/milestones

Project start – June 2017
Project completion – Ongoing

- Used at assigned locations based on operational activities and the recommendation of the department head – daily visual checks on equipment are performed before start of the shift and followed up, as needed, on missing or damaged equipment.

Development of weekly documentation and checklist (documentation of locations and conditions of each wind break). Wind breaks will be removed after wind fence installation is complete. – Implementation October 31, 2019.

Cost

Initial Investment: $105,000
Ongoing Expense: $6,000 / month

5.2 Wind fencing

Description

As discussed in Section 4.2, voestalpine is investigating the installation of engineered wind fencing in key areas including the loading and unloading areas. voestalpine has concluded that that wind fencing installed in strategic locations, including loading and unloading areas could reduce overall plant fugitive emissions. voestalpine has spoken with Dust Solutions Inc. (DSI) in regards to their product the Wind Tamer, wind fencing material and intends to utilize it for loading and unloading operations.

Implementation

Prior to making a final determination as to whether wind fencing is a cost-effective option for loading and unloading, voestalpine will engage DSI to produce a site wide model to illustrate how the various structures throughout the facility may affect wind patterns and wind velocity.

Timeline/milestones

Modeling – December 31, 2019
Wind Fence Installation at Selected Locations – December 31, 2021

Cost

Estimated future spending: $4M

5.3 Dry Fog

Description

In addition to shipping product via its dock, voestalpine also uses trucks as a product-transportation method. Trucks are loaded using a front-end loader, which has the potential to create fugitive metallic dust emissions. Currently these potential emissions are mitigated with Dust Bosses, as described in Section 1.2. voestalpine is also investigating the feasibility and effectiveness of a dedicated truck-loading system that incorporates conveyor

belts and hoppers. The potential solution for dust reduction at a truck-loading station may include Dry Fog installed at both loading areas as shown in Figure 5.3.1. Dry Fog is more fully described in Section 4.3.

Figure 5.3.1 – Possible Solution for Truck-Loading Station

Implementation

voestalpine will research the best solution for the truck-loading area and incorporate dust-mitigation equipment, potentially utilizing Dry Fog, in the final arrangement.

Timeline/milestones

Possible Project Completion: April 30, 2021

Cost

Estimated Project Cost: $600,000

5.4 Dust Bosses

Description

voestalpine also uses BossTek Dust Bosses (powerful dust-suppression water cannons) to help reduce the potential fugitive metallic dust emissions from loading and unloading. The Dust Bosses are more fully described in Section 1.2 of this Plan.

Implementation

voestalpine has purchased eight Dust Bosses and strategically uses them throughout the facility, including during loading and unloading operations.

Timeline/milestones

Project start – May 2017
Project completion – Ongoing

Cost

Initial Investment: $2M
Ongoing Expense: $16,000/month
SOP: MH-SOP-0023

- Assigned locations for equipment during material handling operations – daily visual checks on equipment are performed before start of each shift.
  - This will be documented in the developed documentation and checklist mentioned below.
- After daily assessment of additional material handling locations, extra dust boss locations are assigned as appropriate.
  - This will be documented in the developed documentation and checklist mentioned below.

Development of weekly documentation and checklist – Implementation October 31, 2019.

6. In-plant Roads and Work Areas

6.1 Paving and Curbing

Description

After initial startup, voestalpine began a program to expand the paving and curbing of plant roadways that were not already paved as part of the original plant installation. During Phase 1 of the Paving and Curbing project, an additional 205,000 square feet of roads were paved throughout the plant. voestalpine anticipates paving 88,000 square feet of additional roads during Phase 2 of the Paving and Curbing Project. Previously voestalpine used a water truck to wet down the roads and assist with dust prevention. The water truck proved to be less effective than originally anticipated, and voestalpine chose paving as a superior alternative to reduce potential dust.

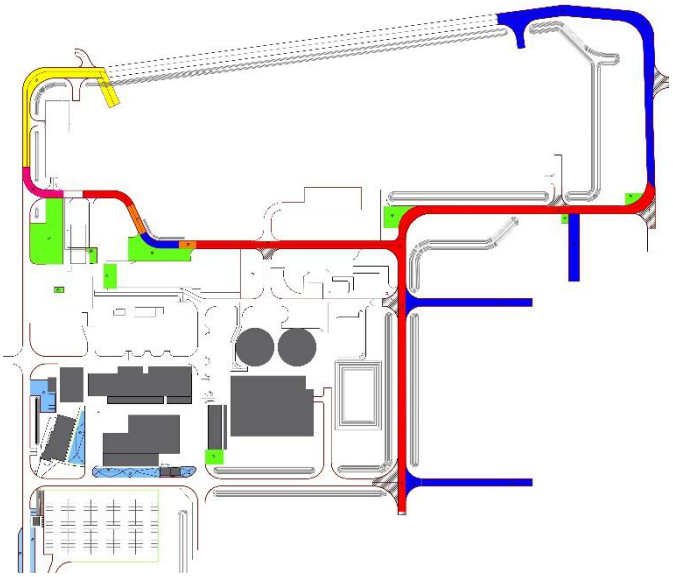


Figure 6.1.2: Phase 1 - Paving Map
Green/Light Blue: Concrete Slabs
Yellow/Red/Navy: Paved Roads

Implementation

The Capital Projects Department's civil engineer, in conjunction with the Operations and Material Handling Departments, has selected areas to be paved and curbed. The focus is on areas with a lot of heavy machinery traffic. Paved roadways have greatly reduced the dust created from machinery and vehicles driving through the plant. The curbs contain dust and other debris within the paved areas, which increases the efficacy of the street sweepers to remove dust.

Figure 6.1.2: Before Phase 1 Construction

Figure 6.1.3: Phase 1 in Construction

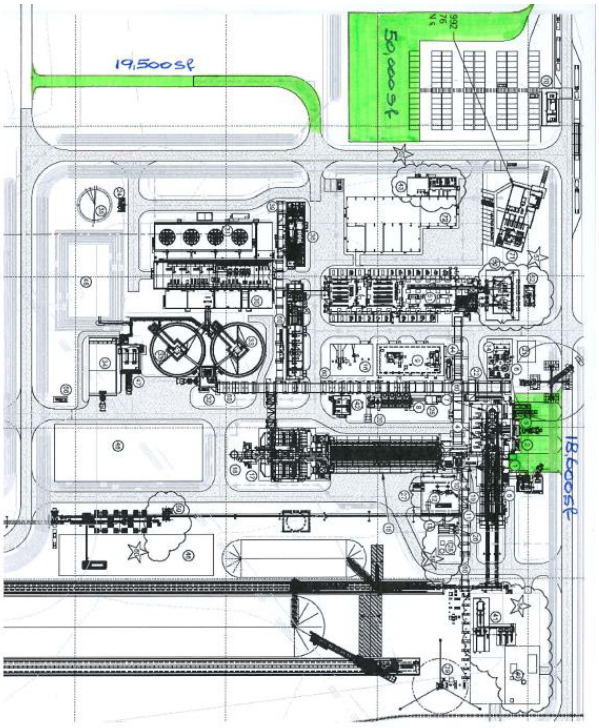


Figure 6.1.4: Phase 2 Planned Paving – Shown in Green

Timeline/milestones
Phase 1
Project start – Nov 2017
Project completion – May 2018

Phase 2
Project start – April 2019
Project completion – June 30, 2020

Cost
Initial Investment: $3M
Expected additional spending: $2M

6.2 Water Trucks

Description
As described in Section 6.1, voestalpine originally began a program to expand the paving and curbing of plant roadways. voestalpine also rented and later purchased two Ford F750 Water Trucks (2000-2999 Gal). As described in Section 1.4, the water trucks were predominantly used on the gravel roads at first, and later transitioned to watering the regular paved roads as well as areas around the by-products stockpiles throughout the facility.

Implementation
As described more fully in Section 1.4, water trucks are available at voestalpine's site on a 24/7 basis.

Timeline/milestones
Project start – May 2017
Project completion – Ongoing
SOP: MH-SOP-0020

- Establish daily material handling operations and plan the route
  - This will be documented in the developed documentation and checklist mentioned below.
- Monitor weather conditions (wind direction and speed) to establish how many hours of operations per vehicle
  - This will be documented in the developed documentation and checklist mentioned below.
- Priority decided by evaluating the traffic and locations with most operations that day
  - This will be documented in the developed documentation and checklist mentioned below.

Development of weekly documentation and checklist (documenting water truck routes) – Implementation October 31, 2019.

Cost
Initial Investment: $120,000
Ongoing Expense: $50,000/month

6.3 Street Sweepers

Description

As described more fully in Section 1.5 of this Plan, soil and other debris can be tracked onto paved roads by heavy equipment working the by-product stockpiles. The debris is then driven over by traffic in the plant, and when combined with unfavorable environmental conditions (e.g., strong SSE winds), could create a potential fugitive dust emission.

To minimize the debris from the road and decrease the potential for fugitive emissions caused by heavy traffic, voestalpine uses street sweeping equipment on the plant roads on a daily basis.

Implementation

Street sweepers are available at voestalpine's site on a 24/7 basis. Two team members per shift are designated to provide the street sweeping application process that is described in SOP MH-SOP-0021.

Timeline/milestones

Project start – May 2017
Project completion – Ongoing
SOP: MH-SOP-0021

- Establish daily material handling operations and plan the route
  - This will be documented in the developed documentation and checklist mentioned below.
- Monitor weather conditions (wind direction and speed) to establish how many hours of operations per vehicle
  - This will be documented in the developed documentation and checklist mentioned below.
- Priority decided by evaluating the traffic and the locations with most operations that day
  - This will be documented in the developed documentation and checklist mentioned below.

Development of weekly documentation and checklist (documenting street sweeper routes) – Implementation October 31, 2019.

Cost

Initial Investment: $612,000
Ongoing Expense: $28,000/month

7. All Other Authorized Emission Points for Visible Iron Oxide and/or of Metallic Iron Fugitive Emissions

Implementation

voestalpine intends to retain an expert to investigate potential site-wide emissions points. voestalpine envisions that this expert will assess the facility's operations, equipment, and previously implemented dust control measures. The expert will then, in conjunction with the facility, prepare recommendations for voestalpine with suggestions for potential dust control measures. voestalpine will assess and analyze the recommended measures to determine if they are technologically feasible, practical, and cost effective. voestalpine will implement measures that satisfy the required criteria. voestalpine will consider all information obtained from this expert related to dust control measures and will advise TCEQ of additional measures that the facility intends to implement.

Timeline/milestones

Retention of expert – September 30, 2019
Expert assessment of facility – March 31, 2020
Schedule of measures that voestalpine intends to implement –June 30, 2021

Cost

Project Cost: TBD

Section 8: SOP's and Forms

SOP: Hydro Mulcher Operation

Table of contents

Revision record

Rev. No Date	Created by Department/Name	Description of change	Revised by	Approved by
00 07/10/2019	Material Handling Albert Gutierrez	First issue	N/A-First Issue	Pat Martinez

1 Scope of Validity

This procedure is valid during normal operation of the HBI plant. This procedure is intended to standardize the Hydro Mulcher operations.

Organizational scope

voestalpine Texas LLC

Functional scope

Material Handling Day Coordinator will determine daily routine and priorities.

Material Handling Hydro Mulcher operator will spray by product piles per instructions.

Process scope

Hydro Mulcher operator will fill flush and main tanks at water hydrant, add seeding bales, coagulant, and green dye and spray piles per daily instruction. The routine will change to meet daily dust suppression needs.

2 Purpose

The objective of this procedure is to standardize the Hydro Mulcher daily routine, filling water truck at fire hydrant, filling water tanks with additives, and spray piles, per daily instructions.

3 SOP: Hydro Mulcher Operation

Process Owner: Material Handling Day Coordinator

1. Establish daily dust suppression needs and piles requiring spraying.
2. Prioritize the use of available materials and additives.
3. Coordinate Hydro Mulcher maintenance to insure availability.
4. Assign manpower according to needs and priorities.
5. Disseminate any changes in daily priority or routine.
6. Follow up on any changes to routine and/or priority.
7. Facilitate, coordinate, the procurement of materials and additives.

3.1 Procedure/Instruction Description

Process map N/A

3.1.1 Detailed Explanation of the Process Steps

1. Start-Up
   - Depress and hold down button while turning ignition key to on. (If E-Stop is engaged, mulcher will not start).
   - To engage clutch/agitator pull clutch engage/disengage lever to “In” position as indicated on lever handle (clutch must be engaged at low RPM, idle speed).
     To turn on pump, flip toggle switch labeled “pump” to on. Pump output is controlled by throttle knob, as it increases /decreases engine RPM.

2. Spraying Operation
   - Fill flush water tank by opening ball valve, when flush tank is full, close ball valve to divert water flow main water tank.
   - Fill tank with water until water reaches bottom of agitator tube.
   - Pull clutch lever to “IN” position, as indicated on lever handle, to engage engine clutch/ agitator. Increase engine throttle to ½ throttle and start loading mulch. Break bale up and put in shredder box, add seed, fertilizer, and water to desired level. **Do not reach into tank with agitator engaged!**
   - Turn on pump using toggle switch labeled “pump”, adjust spray output by turning throttle knob to increase or decrease engine RPM’s to desired output level.
   - When tank is empty, throttle down, push down “main tank valve” and “flush tank valve” handles to flush lines using throttle knob to regulate output until flush tank is empty.

3. Shut-Down
   - Use throttle knob to decrease engine RPM’s to idle, flip toggle switch labeled “pump” to off, pump will turn off.
   - Disengage clutch/agitator by pulling clutch engage/disengage lever to “out” position as indicated on lever handle.
   - Turn ignition key to off.

4. Clean-Up
   - Pressure wash mulcher and tank interior daily to rinse off coloring agent.
   - Remove 4” drain line plug after washing to drain tank, insure environmental compliance.

3.2 Key Performance Indicators (KPI’s)

N/A

4 General Explanations

RPM - Revolutions Per Minute

E-Stop - Emergency Stop

5 Documentation (How We Document This Process in Daily Work)

Heavy Equipment Inspection Checklist

6 Collaboration (For the Production of This Document)

Material Handling Day Trainer

7 Applicable/Pertinent Documents

References:

Document ID	Document Name
N/A	Heavy Equipment Inspection Checklist

8 Attachments

Attachment I Heavy Equipment Inspection Checklist

Heavy Equipment Inspection Checklist

Inspector: _____ Date: _____

Equip Type: _____
Unit #: _____ Location: _____

Meter/Clock Reading: _____ Start Time: _____ Stop Time: _____

Amount added: Diesel_____ DEF _____Oil_____Hydraulic Fluid_____Greased unit: Y / N

Check		Items	Acceptable	Unacceptable	N/A
	♦ Prestart Inspection Items				
Walk Around Check Note: Do not over fill fluids --- (more is NOT better)	1	Coolant Level			
	2	Engine Oil Level			
	3	Hydraulic Level			
	4	Fuel Level			
	5	Transmission Level			
	6	Tires, lug nuts, marks/cuts			
	7	Lights, lamps, backup, brakes, cab lights			
	8	Lube points,(grease system)			
	9	Dents, Damage to body, bucket, cab			
	10	Windows, wind shield, side Mirrors			
	11	Belts, Guards			
	12	Roll over Protection			
	13	Hand Holds & Steps			
	14	Grease and Grease bucket level			
	15	Extinguisher Check			
	16	I Roll Over Protection in good condition			
Comments / Problems					
Engine Start up	1	Pressure Gauges/ panel working			
	2	Water temp, Hydraulic temp, Trans temp,			
	3	Engine oil pressure			
	4	AC/ Heating System			
	5	Seat & seat belt, Steering Mechanism			
	6	Back up alarm, Horn, Windshield wipers			
	7	Leavers (Labeled?)			
	8	Rear Mirror, Fire Extinguisher			
	9	Excess Movement			
Comments / Problems					
With Engine Running	1	Listen for Air & Exhaust leaks			
	2	Look for Oil Leaks			
	3	Look for Water Leaks			
	4	Look for Hydraulic leaks			
Comments / Problems					

Reviewed by Supervisor; Signature: _____ Date Reviewed: _____

If any item is checked unacceptable, operator must notify maintenance than maintenance or manager will approve usage.

Machine approved for operations by :_____

SOP: Dust Boss Operation

Table of contents

Revision record

Rev. No Date	Created by Department/Name	Description of change	Revised by	Approved by
00 07/10/2019	Material Handling Albert Gutierrez	First issue	N/A-First Issue	Pat Martinez

1 Scope of Validity

This procedure is valid during normal operation of the HBI plant. This procedure is intended to standardize the operation of Dust Boss and associated equipment used for dust suppression.

Organizational scope

voestalpine Texas LLC

Functional scope

Material Handling Day Coordinator will determine daily needs and priorities.

Material Handling Water Truck operator will fill water tanks, and maintain operational level, per daily routine/instructions.

Material Handling Filed Operator will turn Dust Boss, Portable pump, and portable generator, on and off as needed. Water Tank discharge valve will need to be opened and closed as needed.

Process scope

Material Handling Water Truck operator will fill water tank at hydrant as necessary to fill water tanks used for dust suppression per daily routine/instruction. The routine will change to meet dust suppression daily needs.

Material Handling Field Operator will turn on and monitor Dust Boss and all associated dust suppression equipment at varied points throughout plant, in accordance with environmental compliance policies.

2 Purpose

The objective of this procedure is to standardize the Dust Boss and associated equipment operations, in accordance with environmental compliance policies.

3 SOP: Dust Boss Operation

Process Owner: Material Handling Day Coordinator

1. Establish daily dust suppression needs.
2. Prioritize and stage Dust Boss, and associated equipment.
3. Coordinate Dust Boss and associated equipment maintenance to insure availability.
4. Establish water truck daily routine to meet current demand.
5. Disseminate any changes in daily priority or routine.
6. Follow up on any changes to routine and/or priority.
7. Facilitate, coordinate the procurement of any additional Dust Boss' and associated equipment.

3.1 Procedure/Instruction Description

Process map N/A

3.1.1 Detailed Explanation of the Process Steps

1. Daily Routine

A. The Material Handling operator:

- Will check Dust Boss and all associated equipment fluid levels and notify foreman if maintenance is needed.
- Monitor Dust Boss positioning to maximize water mist cone dust suppression.
- Fuel up portable generator as needed.
- Prime portable pump, and repair/replace suction and discharge hoses as needed.
- Check and repair/replace portable pump extension cord as needed.

B. The Material Handling Water Truck operator

- Will fill water tanks per procedure.
- Park water truck next to water tank to be filled.
- Place gear shift in neutral and set parking brake.
- At rear of truck, hook up water truck discharge hose to water tank/hose.
- Open water truck tank gate valve and return to cab.
- Engage PTO (far right), turn speed control on (top button left of steering column).
- To set idle, push Res/Acc toggle switch upward and return to center, push up again until idle reaches 1200-1500 RPM, return to center.
- Fill water tank to top (slight overflow), disengage PTO and turn speed control off.
- At rear of truck, close gate valve and disconnect hose.
- Repeat once an hour or as needed.

C. Filling Water Truck At Fire Hydrant

- Park water truck slightly off road alongside water hydrant on south road to dock. Always be mindful.
- Place gear shift in park, set parking brake, and turn off.

D. Filling Water Tanks

- Park water truck next to water tank to be filled.
- Place gearshift in neutral and set parking brake.
- At rear of truck, hook up water truck discharge hose to water tank/hose.
- Open water truck tank gate valve and return to cab.
- Engage PTO (far right), turn speed control on (top button left of steering column).
- To set idle, push Res/Acc toggle switch upward and return to center, push up again until idle reaches 1200-1500 RPM, return to center.
- Fill water tank to top (slight overflow), disengage PTO and turn speed control off.
- At rear of truck, close gate valve and disconnect hose.
- Repeat once an hour or as needed.

3.2 Key Performance Indicators (KPI's)

N/A

4 General Explanations

PTO- Power Take Off

Res/Acc - Resume/Accelerate

RPM - Revolutions Per Minute

5 Documentation (How We Document This Process in Daily Work)

N/A

6 Collaboration (For the Production of This Document)

Material Handling Day Trainer

7 Applicable/Pertinent Documents

N/A

8 Attachments

N/A

SOP: Vacuum Excavation

Table of contents

Revision record

Rev. No Date	Created by Department/Name	Description of change	Revised by	Approved by
00 07/10/2019	Rachal Pena	First issue	Name	Victor Romo

1 Scope of Validity

Organizational scope

voestalpine Texas LLC

Functional scope

Material Handling Lead

Process scope

Vacuum Excavation Procedure

2 Purpose

This procedure contains the specific operating and safety rules, supervisor and operator qualification and training requirements, specific responsibilities, general equipment operating guidelines, code regulations and environmental guidelines to safely manage and perform hydro or pneumatic vacuum excavation on voestalpine sites.

Hydro or pneumatic vacuum excavation operations include various types of excavations such as: “pot-holing” and “slot trenching” for underground utility locating, shafts and pits, and other types of excavations.

3 Vacuum Excavation

Process Owner: Head of Material Handling

1. Equipment owners are responsible for ensuring and maintaining current qualifications and certifications of the supervisors and operators.

2. Supervisors and Operators are responsible for:

   - Maintaining familiarity with the operation of the hydro or pneumatic vacuum excavation equipment, being knowledgeable of the operating procedure, operator’s handbook and area specific procedures for the safe operating condition prior to use.
   - Completing an Operator Daily Checklist (Attachment I) prior to using the hydro or pneumatic vacuum excavation equipment and an Operator Post Job Checklist (Attachment II) upon completion of daily work tasks.
   - Paying attention to any unusual noises, vibrations or other indicators during operation and initiating immediate corrective action.
   - Ensuring only qualified operators operate the hydro or pneumatic vacuum excavation equipment.

- Ensuring preventative maintenance and inspections are performed in accordance with the manufacturer's recommendations in the owner's handbook.
- Providing documentation to voestalpine of inspection and maintenance performed on the hydro or pneumatic vacuum excavation equipment.

3. Supervisor and operator qualifications:
   - All personnel involved in hydro or pneumatic vacuum excavation on voestalpine site shall be at least 18 years of age and be a full time employee of the company providing that service. They shall satisfactory complete a training course, provided by Qualified Trainer representing the manufacturer or owner of the equipment, which includes all safety considerations and equipment operation before working on a voestalpine site.
   - The contractor shall be able to verify to voestalpine the current qualifications of each member of the excavation crew that will be operating the equipment.
   - An excavation crew shall be composed of at least two persons. The operator shall be in view of another crew member at all times.
   - Supervisors and Operators shall have at least 500 hours of documented experience in hydro or pneumatic vacuum excavation on or off voestalpine sites, or complete a minimum 80 hour apprenticeship (observing and assisting) in excavation operations on a voestalpine site after completing the training course.
   - Supervisors and Operators shall successfully complete a written examination to demonstrate an understanding of this operating procedure.

4. Training Requirements:
   - Training documentation for each supervisor and operator shall include the course outline/description and a letter of certification of course completion. The training course shall include, but not be limited to the following:
   - The cutting action of the pressurized water or air stream and its potential hazard to the operator shall be demonstrated. The demonstration shall show the effect of the stream on some suitable material.
   - The need for and, limitations of personal protection equipment (PPE) shall be explained, instructions shall be given as to when and how specific clothing and protective devices must be worn.

- Operation of the pressurized system, vacuum system, and auxiliaries shall be explained. Training shall include start-up and shut down procedures, potential equipment problems, and appropriate corrective actions.
- Operation and purpose of all safety devices shall be explained. The importance of not tampering with any safety device, as well as the importance of keeping them functional, shall be stressed.
- The proper method of connecting hoses, including laying-out without kinks, protection from excessive wear, and using proper tools for hookups shall be discussed.
- The trainee shall demonstrate his/her ability to safely operate the equipment as detailed during the training course.
- The trainee shall demonstrate understanding of the training course by satisfactorily completing a written examination.

3.1 Procedure/Instruction Description

Process Map N/A

3.1.1 Detailed Explanation of the Process Steps

1. When setting up the hose, it is best to take the shortest straight line possible from the vacuum source to the loading area. If the distance encompasses more than 50 feet during “dry” product loading, it is best to run the set-up line with “hard pipe” as long as possible using gradual turns where possible. When the loading area is reached, then a lightweight flexible hose can be used as a “work whip”. Refer to owner’s handbook on guidelines for hose set-up.

2. Positioning and maneuvering of the loading hose is very important task. Proper handling will maximize the performance of the vacuum source. Refer to operator’s handbook on specific hose handling tips.

3. Operators shall follow the guidelines around “loading dusty products and powders” located in the owner’s handbook.

4. Minimum and maximum operating settings for the equipment are as follows:

   Water pressure: 1,500 to 2,500 psig

   Water Flow Rate: 4 to 10 gpm[1]

Vacuum Rate:	2,500 to 4,500 cfm (minimum)
Vacuum Capacity:	14 to 28 inches Hg

5. The operator(s) of the unit are responsible for equipment care while it is being used and for following the guidelines for safe operation when:

   A. Filing the vacuum pump with service liquid.
   B. Engaging the main vacuum pump.
   C. Engaging the auxiliary vacuum pump and hydraulic system.
   D. Operating automatic cyclone clean out.
   E. Disengaging the main vacuum pump.
   F. Opening the rear door. Refer to rear control panel description.
   G. Closing the rear door. Refer to rear control panel description

3.1.2 Codes, Regulations & Environmental

1. Hydro or pneumatic vacuum excavation shall conform to all applicable federal, state, and local codes, regulations and permit requirements.

2. Vacuum truck tanks, pumps, and other equipment shall conform to all applicable codes which would include the Department of Transportation (DOT) and American Society of Mechanical Engineers (ASME) (for pressure vessels).

3. Transporting spoils must be managed by site environmental coordinators and comply with all federal, environmental and DOT regulations.

3.1.3 Operations & Safety Rules

1. The operation of hydro or pneumatic vacuum excavation equipment shall conform to the following items to ensure a safe and productive work environment:

A. Operator(s) must be thoroughly familiar with and follow the operator's procedure and operator's handbook guidelines. Individuals operating the hydro or pneumatic vacuum excavation equipment shall be qualified per this specification and the sit's operating procedure.

B. All tasks shall be reviewed to insure the proper equipment/attachments for the job are used.

C. All employees other than the individuals using the hydro or pneumatic vacuum excavation equipment will maintain a safe distance from the task being performed.

D. Employees operating motor vehicles on voestalpine sites shall have a valid operator permit.

E. Employees' driving/riding in the cab of the hydro or pneumatic vacuum excavation truck are required to use a restraint system (seatbelts) when the vehicle is traveling.

F. The hydro or pneumatic vacuum excavation equipment must not be used for any puprpsoe other than that for which it was designed. Accessories other than those manufactured for use with the equipment shall not be used without prior approval from the manufacturer and voestalpine safety personnel.

G. The wheels of the hydro or pneumatic vacuum excavation equipment shall be wedged with chocks prior to operating the equipment.

H. The hydro or pneumatic vacuum excavation equipment shall not be operated beyond its specified capabilities as outlined in the operator's manual without special approval of voestalpine.

I. Non-conductive steel toe rubber boots, hardhat, hearing protection, ANSI approved safety glasses with regid side shields, rubber gloves and slicker suits are minimum personal protection equipment to be worn at all times when performing hydro or pneumatic vacuum excavating operations. The operators of the pressurized water or air nozzle and the vacuum pipe shall wear face shields.

   Note: Nomex will be required under slicker suit in all Nomex required areas.

J. Never leave the hydro or pneumatic vacuum excavation equipment running and unattended.

K. A spotter will be required when the view to the rear of the hydro or pneumatic vacuum excavation equipment is obstructed or when positioning/repositioning equipment in highly congested areas.

L. Drivers of the hydro or pneumatic vacuum excavation equipment shall follow all applicable aspects of any site excavation specifications, guidelines and procedures around safe vehicle usage.
M. Keep the suction line away from your body and especially your face.
N. Use caution when making any adjustments on the unit while it is running or operating. Stop the engine and then make adjustments.
O. Keep hands away from moving parts.
P. Complete a specific job safety analysis (JSA) sheet identifying all hazards associated with task.
Q. When working close to the edge of an excavation and a potential fall hazard exists, a plan shall be in place and addressed on appropriate site forms.
R. Ensure all the following permits are in place prior to beginning the job
    1. Work permit
    2. Excavation permit
    3. Confined Space Entry Permit if required.

S. A danger/do not operate tag shall be placed on the hydro or pneumatic vacuum excavation equipment, if it is deemed unsafe to operate, until repairs can be made.
T. Prior to operating the unit, the operator(s) shall check all items listed in the Operator Daily Checklist (Attachment I).
U. Operator shall secure all connections starting at the source and follow through at the loading site.
V. Do not exceed the recommended RPM found in the owner's handbook.
W. When changing from "vacuum mode" to pressure mode" vent tank to "0" inches Hg first, if required by manufacturer.

3.2 Key Performance Indicators (KPI's)

N/A

4 General Explanations

Hydro Excavating – The technique for excavating the earth's surface using water under controlled pressure.

Pneumatic Excavating – The technique for excavating the earth's surface using air under controlled pressure.

Vacuum Excavating - The technique for excavating and removing the earth's surface using vacuum extraction.

Hydro Vacuum Excavating Unit – Truck or trailer equipped with pressurized water pumps, vacuum pumps and a separator holding tank to receive excavating spoils.

Pneumatic Vacuum Excavating Unit – Truck or trailer equipped with pressurized air, vacuum pumps and a separator holding tank to receive excavated spoils.

Qualified Operator – A person who has satisfactorily completed a training course provided by the manufacturer or owner of the equipment. The training must include equipment operation and safety considerations.

Spoils – Excavated material that may include water, mud, soil and debris.

5 Documentation (How We Document This Process in Daily Work)

This process is documented by using the Operator Daily Checklist. (form#) and by filling out a Job Safety Analysis (JSA) before operating this equipment.

6 Collaboration (For the Production of This Document)

Head of Material Handling & Material Handling Director

7 Applicable/Pertinent Documents

References:

Document ID	Document Name
MH-FOR-0002	Operator Daily Checklist

8 Attachments

Attachment I Daily Checklist MH-FOR-0002

Operator Daily Checklist for Vacuum Excavator

(Hydro excavation equipment Model)

	OK	Initials
Main Vacuum Pump Oil Level Drive End _____N D End	_____	_____
Main Vacuum Pump Belt Tension (Max. 1st Free Play)	_____	_____
Main Vacuum Pump Drain Valves Clear	_____	_____

SOP: Water Truck Procedure

Table of contents

Revision record

Rev. No Date	Created by Department/Name	Description of change	Revised by	Approved by
00 7/10/2019	Material Handling Albert Gutierrez	First issue	N/A	Pat Martinez

1 Scope of Validity

This procedure is valid during normal operation of the HBI plant. This procedure is intended to standardize the Water Truck operations.

Organizational scope

voestalpine Texas LLC

Functional scope

Material Handling Day Coordinator will determine daily routine and priorities.

Material Handling water truck operator will fill water tanks and spray roads per daily routine/instructions.

Process scope

Water Truck operator will fill tank at hydrant, fill water tanks used for dust suppression, and spray piles and roads per daily routine/instruction. The routine will change to meet dust suppression daily needs.

2 Purpose

The objective of this procedure is to standardize the water truck daily routine, filling water truck at fire hydrant, filling water tanks, activate sprayer systems to spray roads and piles.

3 SOP: Water Truck Operation

Process Owner: Material Handling Day Coordinator

1. Establish daily dust suppression needs.
2. Prioritize and stage dust suppression water tanks.
3. Coordinate Water Trucks maintenance to insure availability.
4. Establish water truck daily routine to meet current demand.
5. Disseminate any changes in daily priority or routine.
6. Follow up on any changes to routine and/or priority.
7. Facilitate, coordinate, the procurement of any additional water tanks.

3.1 Procedure/Instruction Description

Process map N/A

3.1.1 Detailed Explanation of the Process Steps

1. Daily Routine
    - Check Water Truck equipment using Heavy Equipment Inspection Checklist (see attachment I), notify Foreman if corrective action is required.
    - Check water tank level on truck, and fill if needed.
    - Check and fill water tank at truck loading (scales) area.
    - Any leftover water will be sprayed on dirt road south of A-21, oxide storage building.
    - Refill at selected fire hydrant on south road to the docks.
    - Check and fill water tank at material screening area east of BC-21. Fill to slight overflow.
    - Fill water tank at TT-21 when in use during HBI loading process.
    - Timeline between tanks is 1 hour, if time permits, water roads around and between remet piles.
    - Repeat throughout the day, as necessary.
    - At the end of the shift top off water tank and fuel for the night shift.
    - All tanks will be filled before your shift is over.

2. Filling Water Truck At Fire Hydrant
    - Park water truck slightly off road alongside water hydrant on south road to dock. Always be mindful
    - Place gear shift in park, set parking brake, and turn off engine.
    - Connect hydrant hose to cam-lock fitting at rear of water truck.
    - Use hydrant wrench to open water hydrant to fill water truck tank.
    - Monitor using sight line and fill water tank to full and slight overflow, close hydrant using hydrant wrench.
    - Disconnect hydrant hose from cam-lock fitting at rear of truck, standing behind step bar to negate tripping hazard. Roll up hose to eliminate tripping hazard.

3. Filling Water Tanks
    - Park water truck next to water tank to be filled.

- Place gear shift in neutral and set parking brake.
- At rear of truck, hook up water truck discharge hose to water tank/hose.
- Open water truck tank gate valve and return to cab.
- Engage PTO (far right), turn speed control on (top button left of steering column).
- To set idle, push Res/Acc toggle switch upward and return to center, push up again until idle reaches 1200-1500 RPM, return to center.
- Fill water tank to top (slight overflow), disengage PTO and turn speed control off.
- At rear of truck, close gate valve and disconnect hose.
- Repeat once an hour or as needed.

4. Water Truck Sprayers System

- Activate Sprayer system:
  a. Truck must be on, at complete stop, gear select in drive, and park brake disengaged.
  b. Press the PTO button (far right side by power outlet).
  c. Press the speed control button (top left of console).
  d. On black control box (center between seats), press top button, and pull up on button for selected sprayer.
  e. Drive forward and accelerate to increase stream volume and coverage, as necessary.

- Deactivate Sprayer system:
  a. While driving, press button for sprayer in use, press PTO button, then speed control button.
  b. Listen for pump shut-off.

3.2 Key Performance Indicators (KPI's)

There are no KPI's for this section.

4 General Explanations

TT-Transfer Tower

BC-Belt Conveyor

RPM-Revolutions Per Minute

PTO-Power Take Off

5 Documentation (How We Document This Process in Daily Work)

Heavy Equipment Inspection Checklist

6 Collaboration (For the Production of This Document)

Material Handling Day Trainer

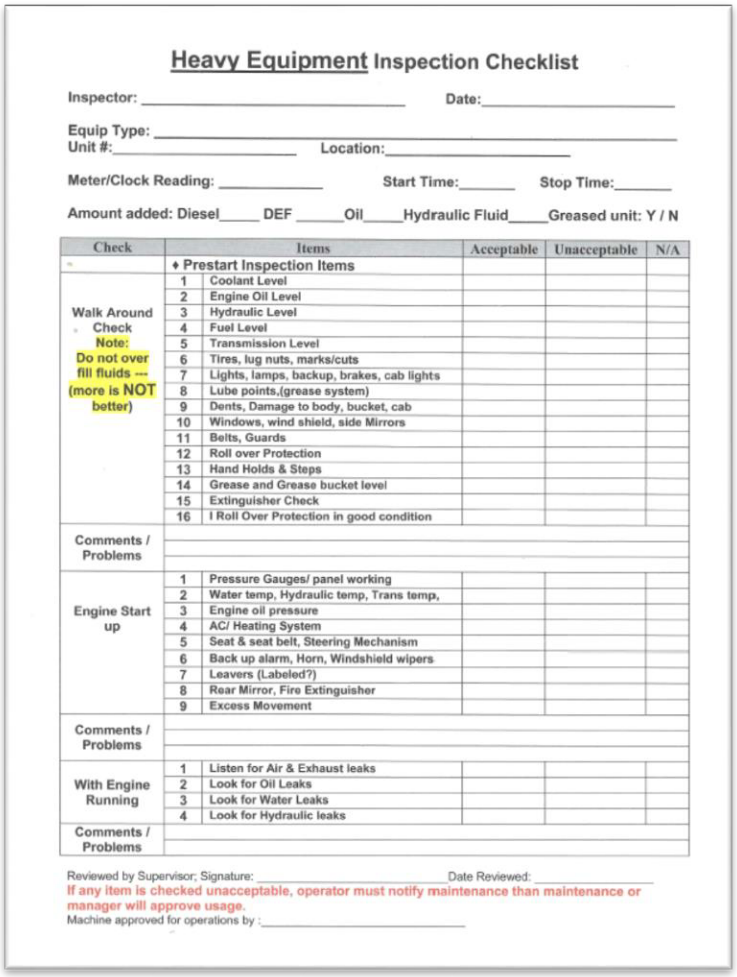
7 Applicable/Pertinent Documents

References:

Document ID	Document Name
N/A	Heavy Equipment Inspection Checklist

8 Attachments

Attachment I Heavy Equipment Inspection Checklist



Heavy Equipment Inspection Checklist

Inspector: _____ Date: _____

Equip Type: _____
Unit #: _____ Location: _____

Meter/Clock Reading: _____ Start Time: _____ Stop Time: _____

Amount added: Diesel____ DEF _____Oil____Hydraulic Fluid____Greased unit: Y / N

Check		Items	Acceptable	Unacceptable	N/A
	♦ Prestart Inspection Items				
Walk Around Check Note: Do not over fill fluids --- (more is NOT better)	1	Coolant Level			
	2	Engine Oil Level			
	3	Hydraulic Level			
	4	Fuel Level			
	5	Transmission Level			
	6	Tires, lug nuts, marks/cuts			
	7	Lights, lamps, backup, brakes, cab lights			
	8	Lube points,(grease system)			
	9	Dents, Damage to body, bucket, cab			
	10	Windows, wind shield, side Mirrors			
	11	Belts, Guards			
	12	Roll over Protection			
	13	Hand Holds & Steps			
	14	Grease and Grease bucket level			
	15	Extinguisher Check			
	16	I Roll Over Protection in good condition			
Comments / Problems					
Engine Start up	1	Pressure Gauges/ panel working			
	2	Water temp, Hydraulic temp, Trans temp,			
	3	Engine oil pressure			
	4	AC/ Heating System			
	5	Seat & seat belt, Steering Mechanism			
	6	Back up alarm, Horn, Windshield wipers			
	7	Leavers (Labeled?)			
	8	Rear Mirror, Fire Extinguisher			
	9	Excess Movement			
Comments / Problems					
With Engine Running	1	Listen for Air & Exhaust leaks			
	2	Look for Oil Leaks			
	3	Look for Water Leaks			
	4	Look for Hydraulic leaks			
Comments / Problems					

Reviewed by Supervisor; Signature: _____ Date Reviewed: _____

If any item is checked unacceptable, operator must notify maintenance than maintenance or manager will approve usage.

Machine approved for operations by : _____

SOP: Sweeper Truck

Table of contents

Revision record

Rev. No Date	Created by Department/Name	Description of change	Revised by	Approved by
00 07/10/2019	Quality/Rachal Pena	First issue	N/A-First Issue	Victor Romo

1 Scope of Validity

Organizational scope

voestalpine Texas LLC

Functional scope

Material Handling Day Coordinator will determine daily routine and priorities.

Material Handling street sweeper operator will perform daily tasks operating the Sweeper Truck.

Process scope

Starts with inspection of the vehicle before use and ends when daily tasks are performed and vehicle is not longer in use.

2 Purpose

This document provides guideline for Sweeper Truck operations.

3 Sweeper Truck Operation

Process Owner: Material Handling Day Coordinator

1. Field Operator (FO)

The field operator is responsible for performing procedure as outlined, taking into account safety and environmental compliance.

Perform equipment inspection per checklist.

2. Shift Foreman (SF)

The shift foreman is responsible for ensuring procedure is performed by a qualified operator, and process corrective action request.

3.1 Procedure/Instruction Description

Process map N/A

3.1.1 Detailed Explanation of the Process Steps

1. Start Up:

a. Turn on Warning lights.

b. Lower Pick-Up head using Auxiliary Hydraulics.

c. Drive Sweeper forward to tuck Pick UP Head curtains.

d. Start Rear Engine (Must be in Idle).

e. Turn on DC system and Air Pulse system.

f. Turn on water system.

g. Throttle up Auxiliary Engine RPM to desired level (1300 – 1400).

- Wait 45 seconds before starting sweeping.

h. Lower Gutter broom(s) as needed.

i. Begin Sweeping.

j. **Do Not Back up with Pick up Head down**.

Throttle down, raise pick up head, then back up. (Reverse Pick up Head chains- allow you to back up with the Head down).

2. Shutdown:

a. Lower Auxiliary Engine RPM to Idle speed (1000 for DST-6) and turn off Pulse system.

b. Raise gutter brooms (must hold switch in the up position to fully retract gutter brooms).

c. Turn off Auxiliary Engine.

d. Turn Auxiliary Engine switch to on, Do Not Start.

e. Using Auxiliary Hydraulic system, raise Pick-up Head.

f. Turn off water system if on.

g. Turn off warning lights.

h. Turn Auxiliary Engine switch to off.

3. Cleaning:

a. Clean Hopper Screens

b. Clean out Hopper

c. Clean out Dust Separator

d. Clean under Pick-Up Head
e. Clean around Gutter Brooms
f. Clean Exterior of Sweeper and Chassis
g. Clean off Radiators

3.1.2 Safety Precautions

- Wear proper PPE per voestalpine policies.
- Have Pre-Job Brief (PJB) using Job Safety Analysis (JSA).

3.1.3 Environmental Concerns

- Potential for fluid leaks, fluid lines rupture, oil, coolant, and transmission fluid.

3.2 Key Performance Indicators (KPI's)

N/A

4 General Explanations

N/A

5 Documentation (How We Document This Process in Daily Work)

Heavy Equipment Inspection Checklist

6 Collaboration (For the Production of This Document)

Material Handling Day Trainer

7 Applicable/Pertinent Documents

References:

Document ID	Document Name
N/A	Heavy Equipment Inspection Checklist

8 Attachments

Attachment I Heavy Equipment Inspection Checklist

Heavy Equipment Inspection Checklist

Inspector: _____ Date: _____

Equip Type: _____
Unit #: _____ Location: _____

Meter/Clock Reading: _____ Start Time: _____ Stop Time: _____

Amount added: Diesel____ DEF _____Oil____Hydraulic Fluid____Greased unit: Y / N

Check		Items	Acceptable	Unacceptable	N/A
	♦ Prestart Inspection Items				
Walk Around Check Note: Do not over fill fluids --- (more is NOT better)	1	Coolant Level			
	2	Engine Oil Level			
	3	Hydraulic Level			
	4	Fuel Level			
	5	Transmission Level			
	6	Tires, lug nuts, marks/cuts			
	7	Lights, lamps, backup, brakes, cab lights			
	8	Lube points,(grease system)			
	9	Dents, Damage to body, bucket, cab			
	10	Windows, wind shield, side Mirrors			
	11	Belts, Guards			
	12	Roll over Protection			
	13	Hand Holds & Steps			
	14	Grease and Grease bucket level			
	15	Extinguisher Check			
	16	I Roll Over Protection in good condition			
Comments / Problems					
Engine Start up	1	Pressure Gauges/ panel working			
	2	Water temp, Hydraulic temp, Trans temp,			
	3	Engine oil pressure			
	4	AC/ Heating System			
	5	Seat & seat belt, Steering Mechanism			
	6	Back up alarm, Horn, Windshield wipers			
	7	Leavers (Labeled?)			
	8	Rear Mirror, Fire Extinguisher			
	9	Excess Movement			
Comments / Problems					
With Engine Running	1	Listen for Air & Exhaust leaks			
	2	Look for Oil Leaks			
	3	Look for Water Leaks			
	4	Look for Hydraulic leaks			
Comments / Problems					

Reviewed by Supervisor; Signature: _____ Date Reviewed: _____

If any item is checked unacceptable, operator must notify maintenance than maintenance or manager will approve usage.

Machine approved for operations by :_____

III. Milestones

1. Stockpiles

Polymer/Surfactant

- Project Start – June 2017
- Project Completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019

Dust Bosses

- Project start – May 2017
- Project completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019

Water Trucks

- Project Start – May 2017
- Project completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019

Street Sweepers

- Project Start – May 2017
- Project completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019

2. Conveyors

- Project start – November 30, 2019
- Project completion –April 30, 2020
- Development of weekly documentation and checklist – Implementation October 31, 2019

3. Building Openings and Vents

- Project start – November 30, 2019
- Project completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019

4. Transfer points

Bag Houses

- Project Start – October 2016 (commissioning)
- Project completion – December 31, 2019
- Development of weekly documentation and checklist – Implementation October 31, 2019

Windbreaks
- Project start – June 2017
- Project completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019
- Potential replacement by wind fence(s)

Wind Fence
- Complete site-wide modelling –December 31, 2019
- Preliminary design finalized – April 30, 2020
- Installation start – September 30, 2020
- Completion date – December 31, 2021

Dry Fog
- Project I completion - December 31, 2019
- Project II completion - September 30, 2020
- Project III completion - July 31, 2021
- Project IV completion – December 31, 2021
- Project V completion - June 30, 2022

By-Product Management Improvements
- Project awarded –December 31, 2018
- On-site activities begin – November 30, 2019
- Scheduled system commissioning – October 31, 2020
- Scheduled system turnover to voestalpine – February 28, 2021

5. Loading and Unloading areas

Windbreaks
- Project start – June 2017
- Project completion – Ongoing
- Development of daily documentation and checklist – Implementation October 31, 2019
- Potential replacement by wind fence(s)

Wind Fence
- Complete site-wide modelling – December 31, 2019
- Preliminary design finalized – April 30, 2020
- Installation start – September 30, 2020
- Completion date – December 31, 2021

Dry Fog
- Possible Project Completion: April 30, 2021

Dust Bosses
- Project start – May 2017
- Project completion – Ongoing
- Development of daily documentation and checklist – Implementation October 31, 2019

6. In-Plant Roads and Work Areas

Paving and Curbing (Additional 88,000 sq. ft.)

- Project start – April 2019
- Project completion –June 30, 2020

Water Trucks

- Project start – May 2017
- Project completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019

Street Sweepers

- Project start – May 2017
- Project completion – Ongoing
- Development of weekly documentation and checklist – Implementation October 31, 2019

7. All other authorized emission points for visible iron oxide and/or of metallic iron fugitive emissions

Retention of Expert regarding site-wide emission points

- Retention of expert – September 30, 2019
- Expert assessment of facility – March 31, 2020
- Schedule of measures that voestalpine intends to implement –June 30, 2021